MANUSMṚTI

With the 'Manubhāṣya' of Medhātithi

MANUSMṚTI

With the 'Manubhāṣya' of Medhātithi

Text, Translation and Notes

VOLUME 1
Sanskrit Text
Part I: Adhyāyas 1-6

VOLUME 2
Sanskrit Text
Part II: Adhyāyas 7-12

VOLUME 3
English Translation
Part I: Discourses I & II

VOLUME 4
English Translation
Part II: Discourses III & IV

VOLUME 5
English Translation
Part III: Discourses V, VI & VII

VOLUME 6
English Translation
Part IV: Discourse VIII

VOLUME 7
English Translation
Part V: Discourses IX, X, XI & XII

VOLUME 8
Notes
Part I: Textual

VOLUME 9
Notes
Part II: Explanatory

VOLUME 10
Notes
Part III: Comparative

MANUSMṚTI

With the 'Manubhāṣya' of Medhātithi

Volume 7

ENGLISH TRANSLATION

PART V

DISCOURSES IX, X, XI & XII

Translated by

GANGANATH JHA

MOTILAL BANARSIDASS PUBLISHERS
PRIVATE LIMITED • DELHI

CONTENTS

DISCOURSE IX

DISCOURSE X

DISCOURSE XI

DISCOURSE XII

DISCOUSRE IX

DUTIES OF THE KING—(Concluded.)

SECTION (1)—HUSBAND AND WIFE.

VERSE I

I SHALL NOW EXPOUND THE ETERNAL DUTIES OF THE MAN AND WOMAN, WHO KEEP TO THE RIGHTEOUS PATH, DURING UNION AND SEPARATION—(1).

Bhāṣya.

In course of the enunciation of the 'heads of dispute', after 'adultery' comes 'the determining of the duties of husband and wife'. It is this therefore that is now going to be set forth.

When the husband is very much harassed by his wife, or the wife is very much persecuted by her husband, the dispute is to be brought up before the king.

It has been laid down that the wife shall attend upon her husband who behaves in the right manner, who is not beset with hate and jealousy and who is well-disposed towards his wife; and the husband has no sort of 'sovereignty' over his wife; and the (attending) is to consist in shampooing his feet and rendering such service as behoves a servant.

Though the words used in the text are 'man' and 'woman',—which only denote the human genus in its two sexes,—yet in the present context they are relative

---

The text of the Bhāṣya on this Discourse is specially defective; there are endless *lacunae*, which, even with the large number of manuscripts we have used, we have not been able to supply.

terms, connotative of the *husband* and *wife*; specially as in the next verse, the term '*sva*' (*svaiḥ*) clearly indicates that the 'man' and 'woman' bear a distinct relationship to one another.

The present verse contains the author's declaration as to what he is going to do in the coming discourse.

Of the husband and wife,—'*during union*'—while they are together,—and '*during separation*',—when the husband has gone away from home.

'*The righteous path*'—regarding toilet, the care of the body and so forth.

All this '*I am going to expound*'.

The epithet '*eternal*' is only by way of praise.

'*Who keep to the righteous path*',—this is purely reiterative of the fact that it is the path laid down in the legal scriptures that is the most righteous.—(1).

VERSE II

DURING THE DAY AND THE NIGHT WOMEN SHOULD NOT BE LEFT TO THEMSELVES BY THEIR MEN. IF THEY BECOME ADDICTED TO SENSUAL OBJECTS, THEY SHOULD BE KEPT UNDER ONE'S CONTROL.—(2).

Bhāṣya.

Women should not be left free to act as they like, in regard to morality, wealth and pleasure. Whenever they desire to employ their wealth in acts of righteousness and the like, they should obtain the permission of their '*men*', the husband or other male relations, according to her age.

'*Their men*'—Guardians, indicated in the following verse.

'*Sensual objects*,'—Singing and the like; they become '*addicted to*' having recourse to—these,—'*they should be kept under one's control*,'—should be checked.

Though the phrase '*not left to themselves*' indicates the propriety of depriving them of independence in regard to all actions, yet the text specifically mentions the 'sensual objects' with a view to point out that in regard to these latter special care should be taken; so that people may not be led to think that all that is necessary is to prevent the women from associating with other men, and it does not matter if they become addicted to drink and other evils, while keeping confined to their homes.

The particle '*cha*' indicates that, though what the words directly declare is the duty of the man, yet it also follows that the woman also should not be independent; it is in this manner that the duties of both 'man and woman' in relation to one another become expounded, as promised in verse (1),—and not those duties that consist of sacrificial performances and the like.—(2).

VERSE III

THE FATHER GUARDS HER DURING VIRGINITY, THE HUSBAND GUARDS HER IN YOUTH, THE SONS GUARD HER IN OLD AGE; THE WOMAN IS NEVER FIT FOR INDEPENDENCE. —(III).

Bhāṣya.

'*Guarding*' here stands for *averting of trouble*,—'trouble' consisting in suffering caused by the transgression of the right course of conduct, by illegal appropriation of property and so forth; and the 'averting' of this consists in warding it off. This should be done by the father and others.

The Present tense in '*guards*' has the force of the Injunctive; such use being a Vedic idiom; hence the word '*guards*' should be taken to mean 'should guard'.

The mention of the three stages of her life separately is only meant to show on whom lies the greater

responsibility during a certain period of the woman's life. In reality all the male relatives are equally responsible for her safety.

'*Virginity*'—stands for the period preceding her being given away in marriage.

Smilarly '*youth*' stands for the period during which her husband is alive.

Thus the words of the text are only reiterative of the actual state of things; the sense being that the woman shall be guarded by that man under whose tutilage she may be living at the time. It is for this reason that even during her husband's life-time, the responsibility for the woman's protection rests upon her father and her son also. This is what has been declared in the laws of Manu; which means that all of them shall guard her at all times; and this has not been stated in so many words, as that would have made the text prolix.

"What is asserted here has been already declared above, under 5. 147."

'Not so; 'independence' is one thing and 'guarding' is another. 5. 147 has declared that woman shall not be 'independent', while the present text lays down that she shall be 'guarded', as a matter of fact, even while the woman is 'dependent' upon some one else, she may be open to danger, which has got to be averted.

"But in the present text also it is said that 'the woman is not fit for *independence*."

Our answer to this is that the present text does not lay down that she shall not be independent in regard to anything at all; all that it means is that her mind being not quite under her control, she is not capable of guarding herself, specially as she does not possess the requisite strength. Under discourse V on the other hand, the absence of 'independence' laid down is in regard to something totally different (*i.e.* her property).—(3).

VERSE IV

CENSURABLE IS THE FATHER WHO GIVES HER NOT AWAY AT THE RIGHT TIME; CENSURABLE THE HUSBAND WHO APPROACHES HER NOT; AND CENSURABLE THE SON WHO, ON THE DEATH OF HER HUSBAND, DOES NOT TAKE CARE OF HER.—(4).

Bhāṣya.

If, at the approach of the right time for giving her away, the father does not give her away, (he becomes censurable).

"What is the right time for the girl to be given away?"

It has been laid down that such time begins from her eighth year and extends to the time previous to her puberty. We have indications of this in the present work also.

'*Who does not approach her*'—Who does not have intercourse with her. The 'right time' for such approach is the period of her 'course'.—(4).

VERSE V

WOMEN SHOULD BE SPECIALLY GUARDED AGAINST EVEN SMALL ATTACHMENTS; FOR, IF NOT GUARDED, THEY WOULD BRING GRIEF TO BOTH FAMILIES.—(5).

Bhāṣya.

'*Attachment*'—association, with a woman of unknown character,—one who is in the habit of standing at the doorway, looking at gaily dressed young men passing by, and so forth.

The meaning is that they should be guarded against temptations. Even though the acts mentioned above,—*i.e.*

gazing at young men and so forth are not wrong in themselves, nor is the association of women with women wrong in itself.

* * * *

Against these they should be '*guarded*'; they should be checked.

'*Specially*' with particular care.

* * * *

Thus the meaning is that the woman should be guarded by all the men of the family, her brother, father, brother-in-law, and the rest.

* * * * (5).

VERSE VI

LOOKING UPON THIS AS THE HIGHEST DUTY OF ALL CASTES, EVEN WEAK HUSBANDS STRIVE TO GUARD THEIR WIVES—(6).

Bhāṣya.

This is the highest duty of all the four castes.

'*Looking upon this*'—Knowing it as such.

'***Even weak husbands***'—should '***strive***', make due effort. The Present tense ending in '*guards*', has the force of the Injunctive.

* * * * * (6).

VERSE VII

HE WHO CAREFULLY PROTECTS HIS WIFE PRESERVES HIS OFFSPRING, HIS CHARACTER, HIS FAMILY, HIS OWN SELF, AND ALSO HIS RELIGION.—(7).

Bhāṣya.

The wife has to be protected, not only because the scriptures prescribe it as a duty; but also because it serves many useful purposes, such as the following.

'*Offspring*'—Progeny, in the shape of sons and daughters. The 'preservation' of this means that one's progeny is kept pure, free from the amalgam of castes. '*Character*'—cultured habits.

'*Family*'—described above. If a single woman of a family loses her chastity, the ill-fame attaches to the whole family, the idea among the people being that 'the women of such and such a family are not chaste'.

Or, the meaning may be that the said guarding is necessary in view of the fact that, if the purity of the progeny were not secured, there would be no proper fulfilment of the after-death rites performed in honour of one's ancestors.

'*His own self*'.—It is well known that men are often murdered by their wife's paramours, or poisoned by their wives.

'*His religion*'—An unchaste woman not being entitled to being associated in the performance of religious rites.

For these reasons, if a man guards his wife, he preserves all these—(7).

VERSE VIII

THE HUSBAND, ENTERING THE WOMB OF HIS WIFE, BECOMES THE EMBRYO AND IS THEN BORN; THE WIFE-HOOD OF THE 'WIFE' CONSISTS IN THIS THAT THE HUSBAND IS RE-BORN OF HER.—(8).

Bhāṣya.

This is a purely declamatory passage. As a matter of fact, the husband is never found to enter the womb of his wife; and it is the entrance of the semen, the very essence of his body, into the wife's womb, which is figuratively called his own '*entering*'. The Mantra also says—'You are my own self, called by the name of *son*'.

The real basis of the denotation of the term 'wife', '*jāyā*', is that the husband *is re-born of her.*

The application of the name '*jāyā*', 'wife' being based upon the fact of the woman giving birth to the child, she comes to be spoken of as the 'wife' of her paramour also.—(8).

VERSE IX

AS THE MAN TO WHOM THE WOMAN CLINGS, SO THE OFFSPRING THAT SHE BRINGS FORTH; HENCE FOR THE SAKE OF THE PURITY OF THE OFFSPRING, ONE SHOULD CAREFULLY GUARD THE WOMAN.—(9).

Bhāṣya.

The present text proceeds to explain what has been said in verse 7.

One should not entertain the idea that what is meant is —either (1) that 'the woman brings forth a child of *the same caste* as that of the other man to whom she clings', or (2) that 'the child born resembles that man in his qualities'; because the child born of a *Shūdra* is a *chaṇḍāla*' and so forth. Even in the case of the parties belonging to the same caste, the caste of the child is not the same as that of the father: since it has been declared that 'the child should be born of a woman of untouched womb'. If again, the child were to resemble the father in qualities, it would mean that the text permits the woman whose husband is poor and of bad character to have recourse to another man possessed of better qualities.

If, on the other hand, the text is taken as purely declamatory, the sense of the assertion, 'as the man so the child' comes to be that 'the child born is not endowed with the qualities of the family'.—(9).

VERSE X

NO MAN CAN GUARD WOMEN FORCIBLY; THEY CAN HOWEVER BE GUARDED BY THE EMPLOYMENT OF THESE EXPEDIENTS.—(10)

Bhāṣya

This verse serves to eulogise the expedients going to be described.

'*Forcibly*'—by shutting them up by force in a harem or by banishing other men, and so forth—they cannot be guarded.

But they can be guarded by the employment of expedients;—*i. e.*, by employing, making use of, these '*espedients*', means.—(10)

VERSE XI

HE SHALL EMPLOY HER IN THE ACCUMULATION AND DISBURSEMENT OF WEALTH, AS ALSO IN CLEANLINESS, IN RELIGIOUS ACTS, IN THE COOKING OF FOOD AND IN TAKING CARE OF THE HOUSEHOLD FURNITURE.—(11)

Bhāṣya.

'*Wealth*'—riches.

'*Accumulation*'—Counting and storing in the house; tying up with ropes etc., and keeping in a safe place, dealing them and so forth.

'*Disbursement*'—Expenditure of the wealth: so much for rice, so much for curry, so much for vegetables, and so forth.

'*Cleanliness*'—Cleaning of utensils and ladles and washing the floor etc., etc.

'*Religious acts*'—rinsing the mouth, offering oblations of water and other things, and the worshipping of deities with flowers and offerings, in the women's apartments.

'*Cooking of food*'—well known.

'*Takiny care of the household furniture*'—Such as stools and couches.

In all this the husband shall employ his wife.—(11)

VERSE XII

WOMEN CONFINED IN THE HOUSE UNDER TRUSTED SERVANTS ARE NOT WELL GUARDED; REALLY WELL GUARDED ARE THOSE WHO GUARD THEMSELVES BY THEMSELVES.—(12)

Bhāṣya.

'*Trusted servants*'—Those who would act in the right manner at the right moment; *i. e.*, persons ever on the alert; and hence considered fit for being employed in the harem, as chamberlains.

Women who are '*confined*'—not allowed to go about freely—in the house under such men, are not really well-guarded; but those are '*who guard themselves by themselves.*'

And how are they to guard themselves?

Just when they are employed as above.

This verse is meant to be a praise of the method laid down in the preceding verse, and it does not exclude other methods.—(12)

VERSE XIII

DRINKING, ASSOCIATING WITH WICKED PEOPLE, SEPARATION FROM HER HUSBAND, RAMBLING, SLEEPING AND RESIDENCE AT OTHER'S HOUSE ARE THE SIX CORRUPTERS OF WOMEN.—(13)

Bhāṣya.

'*Rambling*'—in the market place, for purchasing vegetables etc. and also in temples and such places.

'*Residence in other's houses*'—Living for several days in the houses of relatives.

'*Corrupters of women.*'—These contaminate the minds of women, and they come to lose all fear of their father-in-law and others, as also all regard for public opinion.—(XIII).

VERSE XIV

THEY CARE NOT FOR BEAUTY; THEY HAVE NO REGARD FOR AGE; BE HE HANDSOME OR UGLY, THEY ENJOY THE MAN SIMPLY BECAUSE HE IS A MALE.—(14)

Bhāṣya.

The husband should not labour under the vain hope—'I am well favoured, handsome and young, how can my wife desire any other man, having me?';—because women do not take into consideration the fact of a man being 'handsome' or 'brave'; simply because he happens to be a male, they have recourse to him.—(14)

VERSE XV

EVEN THOUGH CAREFULLY GUARDED, THEY INJURE THEIR HUSBANDS, ON ACCOUNT OF THEIR PASSION FOR MALES, OF FICKLEMINDEDNESS AND OF INNATE WANT OF TENDERNESS.—(15).

Bhāṣya.

'*Passion for males*'—At the sight of any and every man, women lose their firmness of mind and there arises in their minds an extreme desire for meeting him somehow or other, followed by a liquid exudation; this is what is called 'passion for males.'

'*Ficklemindedness*'—The mind not being steady, even when applied to religious and other acts. It is through this that the object of hatred becomes the object of love

and persons who have been looked upon as brothers and sons come to be looked upon as lovers.

'*Tenderness*' *is love, longing*, towards the husband, the son and other relations. Women are without such feelings.

On account of these defects, they '*injure their husbands*'—become disloyal towards them.—(15)

'For this reason—

VERSE XVI

KNOWING THIS DISPOSITION TO BE INNATE IN THEM, FROM THE VERY CREATION OF THE LORD, THE MAN SHOULD MAKE THE HIGHEST EFFORT TO GUARD THEM.—(16)

Bhāṣya.

'*Lord*', '*Prajāpati*', is Hiraṇyagarbha; the disposition was born with them at the time of creation of the world by him.

The rest is clear.—(16)

VERSE XVII

MANU ASSIGNED TO WOMEN SLEEP, SITTING, ORNAMENT, LUST, ANGER, DISHONESTY, MALICE AND BAD CONDUCT.—(17)

Bhāṣya.

'*Sleeping*'—Proneness to too much sleep.

'*Sitting*'—Indolence, want of energy.

'*Ornament*'—Bodily adornment.

'*Lust*'—Desire for carnal association with men.

'*Anger*'—Hatred.

'*Dishonesty*'—Consisting in hating those who love, loving those who hate, concealing one's real feelings, immorality.

'*Malice*'—Maliciousness. '*Drogdhṛ*' is derived from the root '*druh*' and the affix '*tṛch*', and it is then compounded with '*bhāvam*'.

'*Bad conduct*'—Association with wicked people.

Such was the nature allotted to women by Manu, at the beginning of creation; the sense is that just as the characters here set forth cannot be eradicated, so bad conduct also cannot be dissociated from women.—(17)

VERSE XVIII

FOR WOMEN THERE IS NO DEALING WITH THE SACRED TEXTS; SUCH IS THE RULE OF LAW; THE FACT IS THAT, BEING DESTITUTE OF ORGANS AND DEVOID OF SACRED TEXTS, WOMEN ARE 'FALSE'—(18)

Bhāṣya.

Some people entertain the following notion;—"Even though woman may misbehave, she may, with the help of Vedic texts, perform some rites in the shape of secret Expiatory Rites and thus become pure; so that there cannot be much harm in her misbehaving"

But this is not true; because '*for women there is no dealing with sacred texts*'; so that there can be no repeating of the texts; which, with the help of her own learning, she might do whenever she transgressed and thereby regain her purity. For this reason also they should be carefully guarded;—this is the injunction to which the statement in the present verse is a declamatory supplement.

Some people have held that the present verse contains the absolute prohibition of the use of sacred texts in connection with all kinds of rites for women; and holding this opinion, they declare that whatever rites may be performed, by whomsoever, for the sake of women,—that is, (*a*) in rites where women figure as the performers, as in

the making of offerings, or (*b*) in those where they figure as the object to be sanctified, as in the tonsure-ceremony, or (*c*) in those where they figure as recipients, as in *shrāddhas* offered to them,—at all these the use of sacred texts being forbidden by the present text, no such texts should be used at the *shrāddhas* offered to women.

But these people say what is not reasonable; because the present text refers to a totally different matter, and is a purely hortatory supplement. And it still remains to be explained what there is in the text to indicate either injunction or prohibition regarding such rites as the Tonsure and the like. As for the inability of women to recite the expiatory texts, this follows from the fact of their not learning the Vedas.

'*Destitute of Organs.*'—'*Organ*' here stands for *strength*;—courage, patience, intelligence, energy and so forth are absent in women; that is why they are prone to become over-powered by sinful propensities. Hence it is that they have to be carefully guarded.

'*Women are false*';—on account of the inconstancy of their character and affections, they are deprecated as being 'false'—(18)

VERSE XIX

SO ALSO THERE ARE MANY TEXTS SUNG IN THE VEDAS WITH A VIEW TO INDICATE THE TRUE CHARACTER OF WOMEN. FROM AMONG THESE LISTEN TO THOSE TEXTS THAT ARE MEANT TO BE EXPIATORY.—(19)

Bhāṣya.

The author now puts forward, in support of the assertion that 'by their nature women are impure in their hearts', Vedic texts and declamatory passages.

[The author says]—I have declared that 'women are false'; and this same fact is asserted in the texts of the Vedas also.

The term '*nigama*' is synonymous with '*veda*', and is found to be used as such. The term '*nigama*' is also found to be used as a name for that subsidiary science which explains the meaning of vedic texts,—*i.e.* in such statements as '*Nigama Nirukta* and *Vyāpkaraṇa* are the subsidiary sciences.' In the *Nirukta* also in found the expression—'These are *nigamas*'; and the term '*nigama*' here cannot be taken as standing for anything else but 'Vedic texts', as is clear from the examples cited. Thus it is only right that in the present text the term '*nigama*' should be taken as standing for the *Veda.*

The texts are spoken of as '*in the Veda*', which presupposes the relation of constainer and contained, on the understanding that there is some sort of difference between the whole and its parts.

In the *Nigama*, Veda, there are '*texts*', sentences, forming part of it, which are '*sung*'—recited, repeated, read there. In fact no limitation of time (part, present or future) is applicable to the case of the Veda, which is *ever present.*

'*Nigadāḥ*' is another reading for '*nigītā*'. In this case '*nigada*' would mean *the mantra-texts*; and the term '*shruti*' would mean the *Brāhmaṇa texts*; and the meaning would be that 'this fact *that women are false* is stated in both *Mantra* and *Brāhmaṇa* texts.'

In this latter reading the construction would be—'*bahvyaḥ santi*', 'there *are* many such texts',—the verb '*santi*', 'are', being added.

From among these texts listen to those that are meant to be 'expiatory' of the sin of unchastity.

"Why are the said texts put forth?"

'*For the purpose of indicating the true character of women.*' *True character* means the permanent feature of their nature, and the texts are meant to expose this. '*Character*' means *disposition*; and the disposition meant here is *proneness to unchastity.*—(19)

VERSE XX

'IF MY MOTHER, UNFAITHFUL UNTO HER LORD, BECAME ENAMOURED WHILE ROAMING ABOUT,—MAY MY FATHER'S SEMEN REMOVE THAT FROM ME';—THIS IS AN EXAMPLE OF THIS.—(20)

Bhāṣya.

The particle '*iti*' at the end of the third quarter of the verse indicates that up to that point we have the part of an original Vedic text.

'*If my mother, unfaithful unto her lord*',—she who observes the vow 'may I never, even in my mind, conceive love for any man other than my husband' is called '*faithful unto her lord*'; the opposite of that is '*unfaithful unto her lord*':—'*roaming about*'—in the houses of other people,—seeing a gaily dressd person—'*became enamoured*'—conceived a desire for that other man;—'*that*'—impurity or evil in my birth, '*may the semen of my father remove*'; *i. e.*, may that impurity be washed off by that semen. The nominative ending in '*pitā*' has the force of the genetive. Or the *semen* itself may be taken in apposition to the 'father'; which it can be without having its gender altered, just as we have in other phrases: '*dyaurmē pita*', 'the heaven, my father' (*where* '*dyauḥ*' in the feminine, is in apposition to 'father').

Or '*semen*' may be taken as standing for the *mother's* seed; and in that case the meaning would be—'may my father purify that seed of my mother'; *i. e.*, may the impurity of the mother's seed be removed by the force of the father's seed.

'*This is an example*'—instance—'*of this*'—*i. e.* of the proneness of women to unchastity.

All men when reciting sacred texts recite the one here quoted; and the reciting of such a text by all men would be justified only if all women were prone to unchastity;

otherwise, if only some were so, the use of the text would not be universal.

The text here quoted has been prescribed as to be recited during the '*Chāturmāsya*' sacrifice, as also at *shrāddhas*, during the '*Padyānumantraṇa*' rite.—(20)

VERSE XXI

WHAT IS SAID HERE IS THE PROPER EXPIATION FOR WHATEVER ILL SHE THINKS IN HER MIND OF HER HUSBAND.—(21)

Bhāṣya.

'*Pāṇigrāha*' is *husband*;—of him '*whatever ill*'—disagreeable, in the form contact with other men—'*she*'—the woman—'*thinks of*;'—of that mental transgression, the '*expiation*'—purification—is expressed by the aforesaid *text*, if used in the right manner at the proper rite.

By the way the author has indicated the use of the particular text. Even though the use of such texts lies in forming part of the ritual, yet what is meant is that when the particular text is laid down as to be recited, it serves the purpose of expiating the sin of transgression.—(21)

VERSE XXII

WHEN A WOMAN IS UNITED IN ONE FORM WITH A MAN POSSESSED OF CERTAIN QUALITIES, SHE BECOMES HERSELF ENDOWED WITH SIMILAR QUALITIES,—LIKE A RIVER UNITED WITH THE OCEAN.—(22)

Bhāṣya.

If a man wishes to guard his wife, he should guard himself also against evil habits; and it is not the woman that should preserve her chastity. Since if the man has a bad character, his wife also becomes the same; just

as the wife of a man possessed of good character becomes good. For instance the river, though herself sweet-watered, becomes saline like the Ocean, when she joins this latter.—(22)

VERSE XXIII

THE LOW-BORN *Akṣamālā* UNITED WITH *Vashiṣṭha*, AND THE DOE UNITED WITH *Mandapāla*, BECAME WORTHY OF WORSHIP.—(23)

Bhāṣya.

Even though born of a low caste, Akṣamālā, the wife of Vashiṣṭha, became, through that union, '*worthy of worship*'.

Similarly the '*doe*', though an animal, on becoming united with the sage Maṇdapāla, '*became worthy of worship*.'

Thus it is that even low-born women, belonging to the lower castes, came to be honoured like their husbands; as it has been said that 'women are honoured by their age'.—(23).

VERSE XXIV

THESE AS WELL AS OTHER WOMEN, OF LOW BIRTH, HAVE ATTAINED EMINENCE IN THE WORLD, THROUGH THE GOOD QUALITIES OF THEIR RESPECTIVE HUSBANDS. —(24).

Bhāṣya.

'*Low*'-inferior-'*birth*'—origin; these who have this are said to be '*of low birth*'.

'*Others*'—Gaṅgā, Kālī, and others.

Though the preceding verse has named only two, yet here we have '*these*,' '*ētāḥ*,' in the plural, which may be explained as including a third, indicated by the particle '*cha*'. Or, we may read the Dual form '*ētē*' instead of '*ētāḥ*'.—(24)

VERSE XXV

THUS HAS BEEN DECLARED THE COMMON PRACTICE, AS BETWEEN HUSBAND AND WIFE, WHICH IS ALWAYS HAPPY; NOW UNDERSTAND THE LAWS RELATING TO CHILDREN, WHICH ARE CONDUCIVE TO HAPPINESS HERE AS WELL AS AFTER DEATH.—(25)

Bhāṣya.

'*Common practice*'—ordinary usage; what has been stated here is the 'common practice' obtaining in the world; and when it is said that 'women are to be guarded in such and such a manner, and not otherwise', or 'if women are not guarded, the progeny becomes defiled,'—it is not by way of *injunction.*

'*Now listen to the laws relating to children*';—*i.e.*, to whom does the child belong?—to the owner of the seed, or to the owner of the field?

'*Udarka*' stands for '*futurity*'; and that whose '*future is happy*' is called '*sukhodarka*', *conducive to happiness.* The praise is that while all things perish in the end, these do not perish.—(25)

SECTION (2)—DUTY TOWARDS CHILDREN

VERSE XXVI

THERE IS NO DIFFERENCE WHATEVER BETWEEN THE GODDESS OF FORTUNE AND THE WOMEN WHO SECURE MANY BLESSINGS FOR THE SAKE OF BEARING CHILDREN, WHO ARE WORTHY OF WORSHIP AND WHO FORM THE GLORY OF THEIR HOUSEHOLD—(26)

Bhāṣya.

Question.—"In what way is the duty towards children conducive to happiness, since children are dependent upon the man himself, and women, being beset with many defects, deserve to be abandoned? And who is there who would be willing to maintain all these in his house?"

It is with a view to set aside such notions that we have the present verse.

In as much as the defects of women are capable of rectification, they are '*worthy of worship*'. When the above-mentioned verses dilated upon the defects of women, it was not with a view to discredit them, or to make people avoid them; it was done with this view that they may be guarded against evil. Simply because there are beggars, people do not give up cooking their food; or because there are deer to graze them, people do not desist from sowing seeds.

'*Bearing children*'—stands for the whole series of acts beginning with conception and ending with fostering and bringing them up: as is going to be said below (27)—'Begetting of children and nourishing of those that are born'.

They are like effulgence in their home. It is well-known that there is no comfort at home, in the absence of the wife. Even when there is plenty of wealth, if the

wife is absent, the household is not able to attend to the feeding and other needs of friends and relatives that may happen to come in as guests. In fact, they are as powerless as poor men.

For this reason there is no difference between the Goddess of Fortune and women in their homes.—(26)

VERSE XXVII

THE BEGETTING OF THE CHILD, THE NOURSHING OF THE BORN, AND THE ORDINARY LIFE OF THE WORLD,—OF EACH OF THESE THINGS THE WOMAN IS CLEARLY THE MAIN-SPRING.—(27)

Bhāṣya.

'*The woman is the mainspring*'—the prime cause of the begetting of children and the rest.

That this is so is quite '*clear*.'

'*Ordinary life of the world*,'—such as offering food to guests that have arrived, welcoming and inviting others, and so forth.

'*Of each of these things*'—the woman is the mainspring.

Another reading for '*pratyartham*' ('*of each of these*') is '*pratyaham* (daily)

The term '*clearly*' implies *importance*, the sense being that the woman is the *prime* cause.—(27)

VERSE XXVIII

OFF-SPRING, RELIGIOUS ACTS, FAITHFUL SERVICE, HIGHEST HAPPINESS,—ALL THIS IS DEPENDENT ON THE WIFE; AS ALSO THE ATTAINMENT OF HEAVEN BY ONESELF AS WELL AS BY HIS FOREFATHERS.—(28)

Bhāṣya.

The sense of this verse has been already pointed out before.—(28)

VERSES XXIX & XXX

[These are the same as verses 164 and 165 of Discourse V]

Bhāṣya.

These two verses have been already explained under Discourse V.—(29-30)

SECTION (3)- TO WHOM DOES THE CHILD BELONG ?

VERSE XXXI

LISTEN TO THE FOLLOWING DISQUISITION REGARDING THE SON, PROPITIOUS AND SALUTARY TO THE WORLD, SET FORTH BY THE WISE PATRIARCHS AND THE GREAT SAGES.—(31)

Bhāṣya.

'*Disquisitions*'—the setting forth of a matter for investigation; or a dissertation.—'*Listen*' to that,—'*set forth*'—put forward—'*regarding the son*'—with reference to the son,—'*by the wise patriarchs and the great sages*'

'*Salutary to the world*'—calculated to do good to all men.

'*Propitious*'—beneficial.

The subject of the 'laws relating to children,' which was introduced in verse 25 has been interrupted by the few verses dealing with the greatness of women; hence it has been necessary to recall attention to the original subject-matter—'*listen to the disquisition*'.—(31)

VERSE XXXII

THEY RECOGNISE THE SON TO BE THE HUSBAND'S; BUT IN REGARD TO ONE WHO IS ONLY THE PROGENITOR, THERE IS DIVERSITY OF OPINION; SOME PEOPLE DECLARE THE BEGETTER, WHILE OTHERS THE OWNER OF THE SOIL (TO BE THE OWNER OF THE CHILD).—(32)

Bhāṣya.

'*Husband*'—the marrier; the man with whom the woman has gone through the sacrament of marriage;

and when a son is born from this husband in that women, '*they*'—all learned men—'*recognise*'—accept—the son to be that man's. There is no difference of opinion on this point; it is an acknowledged principle.

'*There is diversity of opinion however in regard to one who is the progenitor only*'; in a case where the man is not one to whom the woman has been married, but only the begetter of the son in a soil belonging to another man.

This diversity of opinion is next pointed out—'*Some people declare the begetter*' to be the person to whom the child belongs; while others declare '*the owner of the soil*' to be so; *i.e.*, the person whose wife the woman is, even though he be not the actual begetter.

Having thus propounded the doubt due to the difference of opinion among teachers, the author himself proceeds to justify the doubt.—(32)

VERSE XXXIII

THE WOMAN HAS BEEN DECLARED TO BE LIKE THE 'SOIL,' AND THE MAN HAS BEEN DECLARED TO BE LIKE THE SEED; AND THE PRODUCTION OF ALL CORPOREAL BEINGS PROCEEDS FROM THE UNION OF THE SOIL AND THE SEED.—(33)

Bhāṣya.

'*The woman*' is as if it were '*the soil*'. '*Soil*' stands for that part of the Earth where corns are grown; and the woman is like that: Just as the seed sown and held in the soil sprouts up, so also the semen deposited in the woman.

'*The man is like the seed*',—Here also the term '*bhūta*' denotes similitude. The man's semen is the '*seed*', and not the man himself; but he is himself so called because the semen is contained in him.

'*From the union*'—contact, the relationship of container and contained—there is '*the production*'—birth—'*of all corporeal beings*'—beings endowed with bodies; *i.e.* of the four kinds of living beings. In the case of sweat-born insects also, the *ākāsha* is the 'soil' and *sweat* the 'seed', and the 'union' of these is the relation of container and contained.

For the said reason it is only right that there should be the said doubt; as there can be no 'production' when either of the two is absent; the function of both being necessary in the begetting of the child; and since there is nothing to indicate to which one of the two the child belongs, hence the doubt as to whether the child belongs to both or to either one of the two.

In fact, the whole of this subject relating to the relationship of the child and the person to whom the child belongs is one that is amenable to reasoning; as we shall show under the verse where the details are set forth.—(33)

VERSE XXXIV

IN SOME CASES THE SEED IS PROMINENT; BUT IN OTHERS IT IS THE FEMALE WOMB; WHEN BOTH ARE EQUAL, THE OFFSPRING IS HIGHLY COMMENDED.—(34)

Bhāṣya.

The prominence of the seed is seen in the case of Vyāsa, Ṛṣyaśṛnga and other great sages, (who, though born of low mothers, became high sages);—and that of the female womb in the case of *Dhṛtarāṣṭra* and other '*kṣētraja*' sons, who, even though born of *Brāhmaṇa* fathers, took the caste of their mothers.

'*Where both are equal*'—*i.e.* belonging to the same caste.

'*The offspring is highly commended*;'—since in this case there is no dispute; this is what has been declared under 32 above, regarding people recognising the son as belonging to the father.—(34)

VERSE XXXV

[*Prima-facie argument*]—"AS BETWEEN THE SEED AND THE WOMB, THE SEED IS DECLARED TO BE SUPERIOR; BECAUSE THE PRODUCTION OF ALL THINGS IS MARKED BY THE CHARACTERISTICS OF THE SEED."—(35)

Bhāṣya.

The doubt having been set forth, the author puts forward the 'preponderance of the seed' as the *prima facie* argument. And if the seed is the superior factor, then the child must belong to him whose the seed is. That the seed is the more important is indicated by the fact that in the case of the corn and such other things, though the soil and several other causes operate in their production, yet they take up the characteristics of the seed. So that even though in the case of the child, the transmission of the characteristics of the seed is not so clearly manifest, yet it has to be accepted as a fact, on the basis of the fact of such transmission being found in the case of corn and other things. Further, it is only when this view that is accepted that the uniformity of all products becomes established. Thus it is that superiority belongs to the seed.

This is what is shown by the text—'*the production of all things*' is found to be '*marked by the characteristics of the seed*';—*these* '*characteristics of the seed*' consisting in shape, colour, figure and so forth; and by this is the production '*marked*' distinguished; *i. e.*, it follows them.—(35)

VERSE XXXVI

"AS IS THE SEED WHICH IS SOWN IN THE SOIL PREPARED IN SEASON, SO DOES THE SEED SPRING FORTH, MARKED BY ITS OWN QUALITIES."—(36)

Bhāṣya.

This verse is only a detailed version of what has just gone above.

The exact meaning of the term '*yādṛsham*,' '*as*', is going to be explained under verse 39 below, where the several kinds of grains are mentioned—'paddy, vrīhi' and so forth.

'*Prepared in season*'.—'*In season*', *i. e.*, during the rains, at the time of sowing;—'*prepared*'—tilled and levelled and got ready.

'*So does it spring forth*'—is produced.

'*Own qualities*'—of colour, shape, taste, strength and so forth;—'*marked*'—characterised.—(36)

VERSE XXXVII

"THIS EARTH IS CALLED THE PRIMEVAL WOMB OF THINGS; AND YET, IN ITS DEVELOPMENT, THE SEED DOES NOT DEVELOP ANY QUALITIES OF THE WOMB."—(37)

Bhāṣya.

The foregoing verse has described the fact that the qualities of the seed are reproduced in the product; the present verse is going to show that the qualities of the soil are not so reproduced.

'*This earth is called the womb*'—soil of production—'*of things*'—*i. e.*, herb, vegetables, thickets, creepers and other immovable things; and yet none of the qualities of the earth are found in these things, neither clay nor dust being found in them.

'*The seed does not develop in its development*'.—The term '*seed*' here stands for the corn growing out of the sprouts, and not for the roots. The corn, left over after consumption, when sown, again becomes the seed; and this does not '*develop*'—reproduce;—the reproduction of qualities being a part of the 'development,' we have the present tense in 'develops,'—acquires, obtains— '*the qualities of the womb*'—in its constituent parts. If the verb 'develops' itself had stood for the *reproduction* that forms part of the development, then the term 'in its development' would be superfluous. Hence, according to the principle that verbal roots have several meanings, the verb 'develops' has to be taken as denoting something else. Or, the term '*in its development*' may be taken as only serving the purpose of filling up the metre; and the superfluity thus explained somehow. Or the two terms, '*in its development*' and '*develops*', may be explained as standing respectively for the general and special forms; just as in the expression '*svapoṣam puṣṭaḥ*', 'nourished by his own nourishment.'—(37)

VERSE XXXVIII

"IN THIS WORLD, SEEDS SOWN IN SEASON BY THE CULTIVATORS EVEN IN ONE AND THE SAME PLOT OF LAND SPRING FORTH IN VARIOUS FORMS, ACCORDING TO THEIR NATURE".—(38)

Bhāṣya.

What has been just said is further explained by means of an example.

'*In one and the same plot*'—the particle '*api*' being construed after '*kēdārē*'—*i. e.*, in one and the same field,—'*sown in season*',—*i. e.*, at the time that may be fit for each of the seeds concerned,— '*by the cultivators*,'—'*spring forth in various forms*',—each seed being produced in its own peculiar form.

If the soil were the more important factor, all the products would have been of one and the same quality; since the soil is one and the same for all.—(38)

VERSE XXXIX

" *Vrīhi*-CORN, RICE, MUDGA-BEANS, SESAMUM, *māṣa-beans*, BARLEY, LEEKS AND SUGAR-CANE ARE PRODUCED IN ACCORDANCE WITH THE SEEDS."—(39)

Bhāṣya.

The " various forms " in which the seeds grow are here described. ' *In accordance with the seeds* ",—*i.e.*, according to the character of the seed.

The plural number throughout is denotative of the species.—(39)

VERSE XL

" IT IS NOT POSSIBLE THAT WHAT IS SOWN IS OF ONE KIND AND WHAT IS PRODUCED IS OF A DIFFERENT KIND; THE SEED THAT IS PRODUCED IS THE SAME THAT IS SOWN."—(40)

Bhāṣya.

The same fact is set forth in other words.

If *Mudga-beans* are sown, what is produced can never be *Vrīhi.*

What is stated in the first half in the negative form is re-affirmed, in the second half, in the affirmative form.—(40)

VERSE XLI

[*The established conclusion*]—FOR THIS REASON HE WHO IS INTELLIGENT, WELL-TRAINED, AND CONVERSANT WITH THE SCIENCES AND THE ARTS, SHOULD NEVER, IF HE DESIRES LONGEVITY, SOW IN ANOTHER'S WIFE.—(41)

Bhāṣya.

The *prima facie* argument having been put forward, the present verse sets forth the established doctrine ; and what the text means is that the soil is the predominant factor.

Objection—" In the text there is no word signifying the predominance of the soil ; all that is declared is the prohibition of having recourse to other's wives—'*shall not sow in another's wife*' ; which means that one should not let his semen enter another man's wife ; and it does not mean that the child belongs to the person to whom the soil belongs."

True ; but when we take the present text along with what follows (under 43) regarding 'the seed sown in what belongs to another' being 'lost',—it becomes clear that the prohibition of intercourse contained in the present verse is based upon the consideration that the child born would be taken away by another, and it is not with a view to any spiritual result. The prohibition based upon spiritual considerations has in fact already gone before (4.134); where it has been said that 'there is nothing so conducive to the shortening of life etc.' Thus the conclusion is that, inasmuch as the present prohibitive text is supplementary to another text (43), with which it has to be construed, we are not free to interpret it as we choose ; so that the only right course is to take it as declaring the predominance of the soil.

'*Intelligent*,'—possessed of inborn intelligence.

'*Well-trained*'—thoroughly educated by his father and others.

'*Conversant with the sciences and the arts*'.—The terms '*jñāna*' and '*vijñāna*' connote instrumentality (meaning *jñāyatē anēna iti jñānam*', and '*vijñāyatē anēna iti vijñānam*'). So that the term '*jñāna*', '*science*', stands for the sciences subsidiary to the Veda, and '*vijñāna*'', '*arts*', for the art of reasoning and the fine arts.

The sense of the verse is that the man who is possessed of any intelligence should never do such an act ;

since such is the law laid down in all scriptures. As regards the ignoramus, who is as good as an animal, the present teaching is not meant for him at all. Hence what is stated here is purely reiterative.

'*If he desires longevity*'.—This has been added with a view to indicate that the present prohibition is the same as that contained under Discourse IV; and this sets aside the idea as to its being a distinct prohibition.—(41)

VERSE XLII

ON THIS POINT, PERSONS CONVERSANT WITH ANCIENT LORE RECITE SOME '*Gāthās*' SUNG BY *Vāyu*, TO THE EFFECT THAT MAN SHOULD NOT SOW HIS SEED IN WHAT BELONGS TO ANOTHER.—(42)

Bhāṣya.

The term '*gāthā*' is the name of a particular metre; as has been declared by Piṅgala—'*Atrāsiddhaṇgāthēti*'; it is also used in the sense of verses handed down by a long-continued tradition. For instance, in the Veda, we find that, having made the declaration—'This is the *gāthā* of the learned that is going to be recited', it goes on to quote the verses '*Yadasya pūrvamaparantadasya &c.*'

'*Sung by Vāyu*'—recited, declared by him.

'*Conversant with ancient lore*;'—those who know all about what happened in the past cycles.

'*In what belongs to another*'—In another man's field.—(42)

VERSE XLIII

'AS THE ARROW SHOT BY AN AFTER-SHOOTER HITTING A WOUNDED ANIMAL IN A HOLE (ALREADLY MADE) IS WASTFD, SO DOES THE SEED BECOME WASTED WHEN SOWN IN WHAT BELONGS TO ANOTHER.'—(43)

Bhāṣya.

The author quotes the said '*gāthā*'.

'*Iṣu*' is arrow,—'*becomes wasted*'.

'*In a hole*'—at a wound.

The man who *shoots* a deer *after* it has been wounded by another archer.

In this case the kill belongs to the man who wounded it first.

Or, the meaning may be that 'the arrow shot *in the air*—*i.e.* away from the mark—'*becomes wasted*'—abortive,—*as also* when one shoots an animal already wounded.'

In the same manner, the seed sown by a man in another's wife, becomes wasted. That is, the child born belongs to the owner of the 'field'.—(43)

VERSE XLIV

PEOPLE LEARNED IN ANCIENT LORE HAVE REGARDED THIS *Pṛthvī* (EARTH) TO BE THE WIFE OF *Pṛthu*; THEY DECLARE THE FIELD TO BELONG TO HIM WHO HAS CLEARED OFF THE STALKS, AND THE DEER TO HIM WHO STRUCK THE DART.—(44)

Bhāṣya.

The relation of husband and wife established by ancient tradition is such that two totally distinct entities are spoken of as one. For instance, though the Earth (*Pṛthivī*) was associated with King *Pṛthu* thousands of years ago, yet she is even now named after him '*Pṛthivī*'.

In view of this, even though a son may be born of another man, he must belong to him whose wife the mother is.

'*They declare the field to belong to him who cleared off the stalks*;'—there being no other relationship spoken of, the Genetive ending (in '*sthāṇūchchhēdasya*') must signify the relation of possessor and possessed.

'*Stalks*'—stands here for groves, thickets, creepers and other growths on the land;—he who clears off these is '*he who clears off the stalks*.' The land belongs to him by whom the over-growths have been cleared and the land levelled and made into arable land. The fruits of filling and sowing this land also belong to that same man.

'*The deer to belong to him who struck the dart.*'—'They declare' has to be construed with this also. Where several persons are hunting and following a deer, they declare the animal to belong to him the dart of whose arrow is found in its body. So that it belongs to the man who wounded it first, and this is what has been said above regarding 'the arrow of the shooter being wasted.'—(44)

VERSE XLV

THE MAN IS A MAN ONLY IN SO FAR AS HE CONSISTS OF HIMSELF, HIS WIFE AND HIS PROGENY. THUS IT IS THAT THE *Brāhmaṇas* HAVE DECLARED THAT 'THE HUSBAND IS DECLARED TO BE THE SAME AS THE WIFE.'—(45)

Bhāṣya.

It is only right that the child belongs to the man whose wife the mother is; because the husband and wife are one; and the child also is the man himself; how then can the *self* of one man belong to another?

Such is the usage of the world, and the learned Brahmaṇas also have made the same assertion.—(45)

VERSE XLVI

EITHER BY SALE OR BY REPUDIATION THE WIFE IS NOT RELEASED FROM HER HUSBAND; SUCH IS THE LAW THAT WE KNOW, AS ORIGINALLY PROPOUNDED BY PRAJAPATI.—(46)

Bhāṣya.

Some one may have the following notion :—"Other men's wives may be made one's *own* by paying money to the husband, and the difficulty regarding ownership being thus removed, the son born of her would belong to the begetter."

This is declared to be not possible. Wives of other men cannot be made one's own even by the paying of a thousand gold-coins.

Nor, when she is abandoned by her husband on account of poverty, can the wife belong to the man who receives her.

The reason for this lies in the fact that verse 3.4, which contains the injunction of marriage, uses the verb '*udvahēta*' ('shall take'), in the *Ātmanēpada* form, which clearly indicates that the woman who has been 'taken' through the sacramental rites by one man cannot be the 'wife' of any other man; just as the '*āhavanīya*' (sacrificial Fire) cannot be regarded as being so for any other person save the one who has kindled it with the prescribed rites.

'*Sale*' stands for *purchase* as well as *exchange*; and '*Repudiation*' for *abandoning*. By neither of them is the wife '*released*'—lose the character of 'wife.'—(46)

VERSE XLVII

ONCE DOES THE SHARE FALL TO A MAN; ONCE IS A MAIDEN GIVEN AWAY; ONCE DOES ONE SAY 'I GIVE'; EACH OF THESE THREE COMES ONLY ONCE.—(47)

Bhāṣya.

This has been explained by us under the section on 'Rescision' (8·227).

At the time of partition, if the co-partners are such as are entitled to equal as well as unequal shares, they should divide the property in such equal and unequal

shares. This partition having been once made, some one of the co-partners may subsequently raise objections to it. It is such subsequent objection that the present verse is meant to preclude. If, however, at the very outset, the party were to indicate the inadequacy of his share, then, the partition should have to be revised. If, on the other hand, the objecter should declare the inequity of the partition after the lapse of a long time, all that he can claim is the equalisation of his own share, and not a rescission of the whole partition; since during the time that has elapsed each co-partner will have made additions to his share, or carried out repairs to what may have been in a dilapidated condition, or used up the clothes and gold and other things [so that a re-partition of the entire inheritance would not be possible].

Others, however, explain the declaration regarding 'the share falling only once' to mean that—'if after the partition, it be discovered subsequently that there are some among the co-partners who are affected by impotence or some such physical defect as disqualifies him from receiving a share in the property,—there shall be no resumption of these shares by the others.'

Similarly, if there be some co-partners who are really entitled to two, three or four shares, but somehow at the time of partition, all of them receive equal shares, then, if, after sometime, they were to complain, they should not be permitted to annul the former partition.

In the case of the outcast, however, there is resumption of his share, as we shall explain later on.

'*The maiden is given away only once.*'—Though this would imply that the husband acquires ownership over the girl immediately after verbal betrothal,—even before the marriage has been performed,—yet what is really meant is that particular time which is indicated by such declarations

as 'One might take away a girl even though she may have been betrothed' (*Yājñavalkya,* 1.65) and 'The marriage is to be regarded as accomplished at the seventh step' (*Manu,* 8·227). This we have already explained above.

"*Once does one say 'I give'.*"—Cows and other things are given away to others in the same form of ownership that the giver himself has over them; but the maiden belongs to the father as 'daughter,' while she is given away to the other party as his 'wife'; so that the father's relationship to her does not cease. It is for this reason that she has been mentioned separately (in the sentence 'the maiden is given away only once').

Objection.—"If the father's ownership and relationship does not cease, how can the 'giving away of the maiden' be said to be accomplished? It is in the very nature of the act of *giving* that the ownership of one ceases and that of another is brought about."

There is no force in this objection. In the case in question there are two relationships,—that of parent and child, and that of owner and owned, and while the former remains intact, the latter does cease. This is what is meant when verse 5·188 declares that 'During childhood the girl should remain under her father,' and 'under her husband during youth,' which indicates the cessation of the father's ownership and the coming into existence of that of the husband.—(27)

VERSE XLVIII

AS WITH COWS, MARES, SHE-CAMELS, SLAVE-GIRLS, BUFFALOES, SHE-GOATS AND EWES, IT IS NOT THE BEGETTER WHO OBTAINS THE OFFSPRING,—EVEN THUS IT IS WITH THE WIVES OF OTHERS—(48)

[There is no *Bhāṣya* on this verse. The same idea occurs again in 55 below].

VERSE XLIX

IF PERSONS, POSSESSING NO FIELDS, BUT HAVING SEEDS, SOW THESE IN FIELDS BELONGING TO OTHERS,—THEY NEVER OBTAIN THE GRAIN OF THE CROP THAT IS PRODUCED.—(49)

Bhāṣya.

It is a well-known fact that persons possessing no fields, but having seed-corn, do not obtain any portion of the crop of *mudga*, *māṣa* and in other grains that spring from fields belonging to other persons.—(49)

VERSE L

IF A BULL WERE TO BEGET A HUNDRED CALVES ON OTHERS' COWS, THOSE CALVES WOULD BELONG TO THE OWNERS OF THE COWS, AND THE BULL'S EMISSIONS WOULD BE IN VAIN.—(50)

Bhāṣya.

The foregoing verse has indicated and explained the state of things as pertaining to immoveable property; and the present verse points it out in reference to cows and other animate belongings of men.

When one man's bull begets a number of calves on cows belonging to other men, the owner of the bull does not obtain a single one of those calves; all of these calves belong to the '*owners of the cows*'—the persons to whom the cows belong.

'*Of the bull*'—*i.e.*, related to the bull—'*Emission*' sowing of seed;—'*in vain*';—futile, useless.—(50)

VERSE LI

SIMILARLY PERSONS WHO HAVE NO 'SOIL' OF THEIR OWN—IF THEY SOW IN THE 'SOIL' BELONGING TO ANOTHER MAN, THEY CONFER BENEFIT UPON THE OWNER OF THE 'SOIL,' AND THE OWNER OF THE SEED REAPS NO FRUIT.—(51).

Bhāṣya.

This is a continuation of what has gone before.

Just as in the case of the cows, and also in that of immoveable property, so among human beings also, the sowers of the seed '*confer the benefit upon*'—accomplish the purposes of—the owner of the soil.—(51)

VERSE LII

IF BETWEEN THE OWNER OF THE SOIL AND THE OWNER OF THE SEED, THERE HAS BEEN NO COMPACT REGARDING THE PRODUCE, THEN THE CROPS BELONG CLEARLY TO THE OWNER OF THE SOIL;—THE RECEPTACLE BEING MORE IMPORTANT THAN THE SEED.—(52)

Bhāṣya.

It has been stated in a general way that the produce belongs to the owner of the soil, not to that of the seed; a further detail in regard to this is now added.

'*When no compact has been made*'—*i.e.*, no agreement between the owner of the soil and the seed, as to the produce belonging to both, in accordance with the maxim relating to two men, one of whom had lost his horse and another had burnt his chariot, (where the fruit, in the shape of being carried, accrued, by agreement, to both),—'*the crop*'—*i.e.*, the produce—'*belongs clearly to the owner of the soil.*'—The term '*clearly*' indicates that there is no doubt on this point.

'*Because the receptacle is more important than the seed*'—*i.e.*, more importance attaches to the soil,—(52)

In a case however, where there is a compact, (what happens is as follows.)—

VERSE LIII

If however the seed is given for the purpose of sowing, after the acceptance of a compact,—in that case both, the owner of the soil and the owner of the seed, are considered to be sharers of the produce.—(53)

Bhāṣya.

It has been said in the preceding verse that in the absence of a compact, the produce belongs to the owner of the soil. The question that arises next is— In case there is a compact, does the crop belong to the owner of the seed or to both? It is in answer to this that the present verse declares that it belongs to both.

'*Acceptance of the compact.*'—The term '*Kriyā*' stands for the compact, the agreement, that 'this shall be so and so';—when such compact has been 'accepted,' —'*it*'—*i.e.*, the '*seed*,' as is clear from the context—is '*given*'—'*for the purpose of sowing*'—*i.e.*, for the purpose of the raising of the crop,—then of this crop both are sharers.—(53)

VERSE LIV

If seed, carried away by rain or wind, germinates in a soil,—that seed belongs to the owner of the soil, and the owner of the seed does not receive the produce.—(54)

Bhāṣya.

It has been declared (under 43) that when a man sows his seed in another man's soil, his seed is lost. And on the basis people may have the following idea—"In the case cited, it is only right that the produce shall be confiscated, since a wrong act has been committed by the man, in that he has tried to obtain surreptitious possession of the land,—otherwise, why should he go about sowing his seed in another's field? But in a case where the owner of the seed has sown it in his own field, but it has been carried into another field by water or wind, there is no wrong done by the man; in fact he loses his own seed by this transference."

It is with a view to combat such a notion that we have the present verse declaring that when '*seed, carried away by rain or wind*'—'*ogha*' stands for *rain,*—'*germinates in another man's field*',--then, the produce belongs to the owner of the soil.

Thus is the special law established that '*the owner of the seed does receive the produce*'; *i.e.*, ownership of the soil is the more important factor.—(54)

VERSE LV

THIS SAME LAW SHOULD BE UNDERSTOOD AS APPLYING TO THE OFFSPRING OF COWS, MARES, SLAVE-GIRLS, SHE-CAMELS, SHE-GOATS AND EWES; AS ALSO OF BIRDS AND BUFFALOES.—(55)

Bhāṣya.

Cows and horses, etc. are added here in order to prevent the notion being entertained that the laws laid down here are meant only for children; or it may be regarded as added for the purpose of precluding the notion that they are meant to apply to only seeds, fruits and crops, as is already known among people.

The same law applies to quadrupeds, and bipeds, as also to immovable things.

'*This*'—refers to what has been said in the preceding two verses:—*viz.* (1) when there is no compact, the produce belongs to the owner of the soil, and (2) when there is compact, it belongs to both.

Cows and the rest have been named only by way of illustration; the same law applies to the cases of dogs, cats and other animals.

"Why then should the declaration in verse 50 have been made?"

It is only a reiteration of the well-known fact that birds and other animals do not form the 'property' of men to the same extent as cows do.

'*Slave girls*'—*i. e.*, those acquired by the seven sources of slavery.

'*Offspring*'—young ones born from their wombs. —(55)

VERSE LVI

Thus has been explained to you the comparative importance and non-importance of the seed and the womb; after this I am going to expound the duties of women during times of distress.—(56)

Bhāṣya.

'*Importance*'—predominance.

'*Non-importance*'—non-predominance.

This verse sums up the foregoing section, and its second half introduces the next section.

'*Distress*'—*i.e.*, (1) want of food and clothing necessary for the sustaining of life; and also (2) absence of progeny.—(56)

SECTION (4)—DUTIES OF WOMEN IN TIMES OF DISTRESS.

Niyoga.

VERSE LVII

THE WIFE OF THE ELDER BROTHER IS, FOR THE YOUNGER, A 'WIFE OF THE PRECEPTOR'; AND THE WIFE OF THE YOUNGER BROTHER HAS BEEN DECLARED TO BE A 'DAUGHTER-IN-LAW' FOR THE ELDER.—(57)

Bhāṣya.

These two verses (57 and 58) describe the actual state of things, for the purpose of laying down the advisability of 'Niyoga' or 'appointment,' in times of distress.

'*Elder*'—one born before;—'*younger*'—one born after; junior in age.—(57)

VERSE LVIII

IF THE ELDER BROTHER HAS RECOURSE TO THE WIFE OF THE YOUNGER, OR THE YOUNGER BROTHER TO THE WIFE OF THE ELDER, THEY BECOME OUTCASTS, EVEN THOUGH 'AUTHORISED,'—EXCEPT IN TIMES OF DISTRESS.—(58)

Bhāsya.

Both the younger and the elder brothers become outcasts by having recourse to each other's wife, except in times of distress,—even though they be 'authorised,' —(58)

VERSE LIX

On failure of issue, the woman, on being authorised, may obtain, in the proper manner, the desired offspring, either from her younger brother-in-law or from a '*Sapiṇḍa*'.—(59)

Bhāṣya.

This verse enjoins the practice of '*Niyoga*', hemmed in by all its qualifications.

'*On failure of issue, the woman, on being authorised, may obtain, offspring in the proper manner,*'—from her younger brother-in-law and others.

This '*failure of issue*' is the 'distress' referred to under verse 56.

The term '*issue*', '*santāna*', here stands for the *son*; as regards the *daughter*, she is regarded as 'issue' only when she has been 'appointed,' as it is only then that she *carries on* ('*santanoti*'), perpetuates, her father's family; which is not done by the daughter, in ordinary circumstances.

The '*failure*' of such issue consists in no son being born, or in a son, though born, dying off, and in the *non-appointment* of a daughter (by the husband). We shall explain later on that the woman is not entitled to have an 'appointed daughter' or any other substitute for the son. She may, therefore bring forth a child only when authorised by her elders.

"Whence is the idea obtained that the authorisation is to be done *by her elders*?"

It is obtained from other Smṛti-texts. Or, the idea follows from the very name '*niyoga*', 'authorisation'. In ordinary parlance 'authorisation' is always understood as proceeding from a superior; when the teacher does the teaching, he is not spoken of as being 'authorised' by his pupil to do it; in fact it is the pupil that is spoken of as being 'authorised' to read and repeat the lessons.

The '*elders*' meant here are the mother-in-law, the father-in-law, the younger brother-in-law and other persons belonging to her husband's family,—and not the woman's own father and other relations. Because if a child is born as the result of this 'authorisation', it is only the former who come to be known as 'with offspring', and who become benefitted by the after-death rites performed by that child.

"If that were the sole criterion, then, since the child's maternal grandfather also would benefit by the rites performed by his grand-child, it would follow that the said 'authorisation' could be done by him also."

This has been already answered by the explanation that those persons alone are to 'authorise' who would become known as 'with offspring' through the child born as the result of that authorisation. Further, when the verse speaks of the '*younger brother-in-law*' and the '*sapiṇḍa*', all persons belonging to the same *gotra* come to the mind. In the *Mahābhārata* also, in several places, it is shown that 'authorisation' can proceed only from the woman's relations on the husband's side. It is for this same reason that there is to be no 'authorisation' when the husband's brother's son is present.

"As a matter of fact, the benefits from the issue occur to only those persons who are 'authorised' to beget the offspring; in fact only those persons are entitled to 'authorisation' who are eager to obtain the benefits of the issue, in the shape of the love and satisfaction derived from the son. Thus then, no benefits can occur to one who is dead; how then can the child be said to be the 'issue' of the latter?"

Our answer to this is that the dead person also does obtain benefits, in the shape of the offering of libations and so forth; and that this is so is clearly asserted in authoritative texts. Though it is true that the dead person has not carried out the injunction regarding the begetting of a child; yet the scriptures clearly lay down that libations are offered to him by

the child that may be begotten in the 'soil' belonging to him, (*i.e.* on his wife), according to the law of 'authorisation'. And from this it follows that benefits for the issue do accrue to the dead father also. How this is we shall explain fully later on.

'*Younger brother-in-law*'—the husband's brother.

'*Sapiṇḍa*'—a person belonging to the husband's family. This is what is understood to be meant by the law in other Smṛti-texts regarding the child being obtained from any person '*of the same caste*'.

'*In the proper manner*'.—This refers to the rules regarding the man annointing himself with clarified butter and so forth.

'*The desired offspring may be obtained*'—The verbal affix has the force of the Injunctive. The term '*desired*' indicates the capacity for fulfilling his duties; which implies that in the event of a girl or a blind or deaf son being born, the process of 'authorisation' may be repeated.—(59)

VERSE LX

He who has been authorised in regard to a widow shall, annointed with clarified butter and with speech controlled, beget, at night, one son,—and on no account a second one.—(60)

Bhāṣya.

No significance is meant to be attached to the mention of the '*widow*'; as the rule laid down here is applicable also to the case of the woman whose husband is alive, but subject to such disabilities as impotence and the like. That such is the meaning is clear from what follows later (in 63). As a matter of fact, the sole purpose underlying the practice lies in what is stated in the present verse; the restriction too pertains to persons subject to the law, and not to the observances themselves. Otherwise it would seem that the whole thing pertained to widows only. (?)

'*At night*';—this is meant to indicate the *absence of all light*, in the shape of lamps etc.; intercourse *during the day* having been already forbidden by another text.

Others however hold that the prohibition of intercourse during the day is with reference to the benefit of the man, while the specification of 'night' in the present text bears upon ritualistic purposes.

Hence what is meant is that '*only one*'—and never a second—'*Kṣētraja*' son is to be begotten; but never by intercourse during the day.—(60)

An exception to this is set forth in the next verse:—

VERSE LXI

SOME PEOPLE, LEARNED IN THE SUBJECT, ADMIT, ON THE BASIS OF PROPRIETY, OF A SECOND PROCREATION ON WOMEN,—PERCEIVING, AS THEY DO, THAT THE COUPLE'S PURPOSE OF AUTHORISATION' IS NOT (OTHERWISE) ACCOMPLISHED.—(61)

Bhāṣya.

A second son also should be begotten;—such is the opinion of some people.

'*Learned in the subject*'—persons versed in the laws relating to the *begetting* of '*Kṣētraja*' sons.

'*Perceiving that the purpose of authorisation is not accomplished*'.—These people hold that the injunction, that 'the woman on being authorised should beget a child', is not fulfilled by the begetting of a single son.

What is the real intention of these men?

They hold that the singular number (in the word 'son' in the injunction 'a son is to be begotten') is not meant to be significant; since it is the *substance* that forms the more important factor, and no qualification attaches to the act, which shows that no significance can attach to the singular

number; just as in the case of the word 'cup' (in the injunction 'wash the cup').

"In the case of injunctions of things not already spoken of elsewhere, even though the *substance* is recognised as the predominant factor, yet the significance of such specifications as those by means of number and such qualifications remains undisturbed; *e.g.*, in such injunctions as the 'twice-born man shall marry *a woman*'. Then from the indicative power of such mantra-texts as 'Beget ten sons on this girl', it is clear that the number *one* as pertaining to *children* is not to be observed.

"In that case the man need not rest with *two* sons only."

In fact it is in view of this that the text has added the term '*second*', the use whereof lies in the precluding of the possibility of more sons than two. This same is the sense of the *mantra-text* also, which pertains to the '*aurasa*' (body-born) son, the text occuring in the section on Marriage. In the present instance however, all that is intended is the exceeding of the number 'one'; and this on the strength of the saying current among cultured people that 'a man with one son is as good as sonless', or on that of the present verse containing the eulogisation of the second son.

'*On the basis of propriety*'—*i.e.* on the strength of the practice of cultured people.—(61)

VERSE LXII

BUT WHEN THE PURPOSE OF THE 'AUTHORISATION' IN REGARD TO THE WIDOW HAS BEEN DULY ACCOMPLISHED, THE TWO SHOULD BEHAVE TOWARDS EACH OTHER LIKE AN ELDER AND LIKE A DAUGHTER-IN-LAW.—(62)

Bhāṣya.

The 'authorisation' herein laid down refers to the act of 'intercourse', ending with the sexual act. After

this act has been accomplished, their behaviour towards each other should be like that of the 'elder' and the 'daughter-in-law'. If the woman is the wife of the elder brother, she shall be treated like an 'elder'; but if she is the wife of the younger brother, she shall be treated like a 'daughter-in-law'.

The use of the term '*towards each other*' implies that the woman should behave like the daughter-in-law towards her elder brother-in-law, and like an 'elder' towards her younger brother-in-law.—(62)

VERSE LXIII

IF THE TWO PERSONS THUS 'AUTHORISED' RENOUNCE THE LAW AND ACT FROM CARNAL DESIRE, BOTH WOULD BECOME OUTCASTS,—BEING LIKE ONE WHO HAS INTERCOURSE WITH HIS DAUGHTER-IN-LAW AND ONE WHO DEFILES THE BED OF HIS ELDER.—(63)

Bhāṣya.

'*Law*'—regarding 'annointing with clarified butter' and so forth. The transgression of the law leads to the parties becoming outcasts.

The 'authorised' elder brother being '*one who has intercourse with his daughter-in-law*', and the younger brother being 'one who defiles the bed of his elder'.—(63)

VERSE LXIV

BY TWICE-BORN PERSONS THE WIDOW SHALL NOT BE 'AUTHORISED' IN REGARD TO ANOTHER PERSON; BY 'AUTHORISING' HER IN REGARD TO ANOTHER, THEY WOULD VIOLATE THE ETERNAL LAW.—(64)

Bhāṣya.

This is the prohibition of the practice of 'authorisation', which has been sanctioned in the foregoing texts.

In this connection, some people have held the following view:—"Inasmuch as the text contains the term '*widow*', it prohibits the practice only with reference to the woman whose husband is dead; so that the impotent husband should still 'authorise' his wife; both the sanction and the prohibition would thus have distinct spheres of application."

Others, however, have held the following opinion:—"The text that sanctions the practice mentions the *failure of issue* as the occasion for it; and as a matter of fact, this occasion is equally present in both cases,—in the case of the husband being impotent or invalided, as also in that of his being dead. So that as the sanction, so the prohibition also, must be accepted as free from restrictions. Then again, a woman is called '*vidhavā*' (widow) when she ceases to have any intercourse with her '*dhava*' or husband; and this condition is equally present in both cases."

It is this latter view that has to be accepted; as otherwise, the rules regarding 'anointment with clarified butter' and other details would not be applicable to the case of 'authorisation' by the impotent or invalided husband; because the text that lays down that rule uses the term 'widow'—'He who has been authorised *in regard to the widow*, etc.' (Verse 60). For these reasons, just as the preceding sanction, so the subsequent prohibition also, should be taken as free from all limitations. And thus the sphere of application of both being the same, we must take the case as being one of *option*. This option is possible only in view of the obligatory character of the injunction regarding the begetting of children; the case being analogous to the option bearing upon the 'holding' and 'not holding' of the *Shoḍashi* Cups. If, on the other hand, the injunction of begetting a son were regarded as consisting in such assertions as 'by means of a son one wins heaven', and

so forth, (where the act of begetting a son is put forward as leading to a certain desirable result), the effect of one having no children would only be the non-performance of the after-death rites. So that the results of the two acts (begetting of a child by 'authorisation' and not begetting a child by that method) would be totally distinct; and under the circumstances, whence could there be any *option*? It is only when the sanction and the prohibition both bear upon the same object that there can be *option*; as is the case with the 'holding' and 'not holding' of the *Shoḍashi* Cups.

It has already been pointed out that when an act is done along with all its subsidiary details, its results are fuller than what they are when it is done without those details; but so far as the accomplishment of the main act itself is concerned, there is no difference. So that in this case the only effect would be that the man not having recourse to the practice would fail to obtain the benefits that would be conferred by the son; and if he has recourse to the practice with a view to obtaining those special benefits, then he would be transgressing the prohibition, and his act would stand on the same footing as the performance of the *Shyēna* sacrifice (which is performed for the special purpose of obtaining the death of the enemy, and involves the transgression of the prohibition of all *killing*).

"In connection with this object, the following point deserves to be considered in regard to the man who is 'authorised' (to have connection with the 'widow')—Why does he have recourse to the act? There is no such injunction for him as that 'when one is *authorised* he should have intercourse with the widow'; as there *is* for the woman, in the form of the text (59)—'the woman, being duly authorised, etc.' It would not be right to argue that—"since the 'authorisation' of the woman can be accomplished only when her younger brother-in-law or some

other male relation would also act, the action of these latter also is implied by that same injunction (which prescribes the 'authorisation' of the woman),—since what is desired by the women is the *Kṣētraja* son (and this cannot be obtained without the action of the male)."

"This cannot be right, because the action of the male might proceed from carnal desire also.

"If the injunction did not imply the action of the male, there would be no sense in the rules laying down *anointing with clarified butter* and other details.

"These rules would not be meaningless; as their meaning would be that the son can be called '*Kṣētraja*' only when he is born in the manner prescribed, and in no other circumstances.

"Some people have held that the general injunction that 'one must obey the injunction of his elders' is what prompts the male in question.

"But if this were allowed, then one would be justified in drinking wine and doing such forbidden acts, by the wish of his elders to do so. As a matter of fact, one who would prompt the man to have recourse to such acts would not be an 'elder' at all. Then again, there is the law—'The abandoning of the elder is enjoined, if he is vain or ignorant of what should and what should not be done, or has recourse to the wrong path'; and the 'abandoning' meant here can only consist in *ceasing to work for the elder*.

"This same reasoning does away with the following view also:—'The assertion, (in 63) that by acting contrary to the rules relating to the details of the practice of 'authorisation,' the parties concerned become outcasts, implies the sanctioning of the action of both, in accordance with those rules. Otherwise, if the action of the man involved the penalty of outcasting in all kinds of intercourse, there would be no point in the declaration

that he becomes an outcast under the special circumstances (of acting contrary to the rules).'

"Then again, the idea that—'in the case of there being no transgression of the rules the man alone becomes an outcast, whereas, when there is transgression of them, both parties become outcasts'—is also derived from the indicative power of the texts themselves.

"Thus then, the action of the yonger brother in-law and other male relations has got to be explained (and justified)."

Our explanation is as follows:—Judging from the instance of Vyāsa and others, it has to be admitted that, in the begetting of the '*Kṣētraja*' son, if one acts according to the behests of his elders, there can be nothing wrong in it. In the case of Vyāsa and other great men, their action can never be regarded as having been prompted by carnal desire. Then, as for the argument that "the assertion that the parties become outcasts if they transgress the rules, is indicative of the act of the male",—this cannot be right; for, if the male became an outcast, then, the son born of him would not be entitled to the performance of any rites; so that the begetting of the child would be absolutely futile. From all this, it follows that there is just a semblance of an injunction for the action of the younger brother-in-law or other male relations.—(64)

VERSE LXV

NOWHERE IN THE MANTRA-TEXTS BEARING UPON MARRIAGE IS 'AUTHORISATION' MENTIONED; NOR AGAIN IS THE MARRIAGE OF THE WIDOW MENTIONED IN THE INJUNCTION OF MARRIAGE.—(65)

Bhāṣya.

'*Udvāha*,' 'marriage,' is a *rite*; and the sacred texts used at that rite—such as: (*a*) '*Aryamaṇannu dēvam*

kanyā agnimayakṣata,' (b) '*Mayā patyā jaradaṣṭiḥ,*' (c) '*Mayā patyā prajāvatī,*' and so forth,—in all these, it is clearly stated that ownership over the woman belongs to the person that *marries* her; and nowhere among them is there any such assertion as 'beget a child from a man in regard to whom you are *authorised* by me.'

What the text means by mentioning the '*mantra-texts*' is that even *Mantra-texts* and *Declamatory Texts* do not contain any indications of the injunction of the practice. This is further explained.—'*The marriage of widows is not mentioned in the injunction of marriage.*' 'Marriage' here stands for *intercourse.* If the act of the brother-in-law having intercourse with his widowed sister-in-law were a regular 'marriage,' then, the practice of '*niyoga,*' 'authorisation', would be the same as 'Marriage'; and as such, it would be fully *enjoined* by some such injunction as 'the brother-in-law shall marry his sister-in-law.' As a matter of fact, however, there is no such injunction at all.

This is a declamatory supplement to what has gone before.—(65)

VERSE LXVI

DURING THE TIME THAT KING VENA WAS RULING OVER HIS KINGDOM, THIS REPREHENSIBLE BESTIAL PRACTICE WAS INTRODUCED BY IGNORANT TWICE-BORN MEN AMONG MEN ALSO.—(66)

Bhāṣya.

This also is a declamatory supplement to the prohibition of 'authorisation.' The '*ignorant*' men, who do not know the scriptures, and who do not understand that the indicative power of the texts points to something entirely different,—'*introduced*' '*this bestial practice,*' which is most '*reprehensible,*' '*among men also*'; and this was done not during

modern times, but '*during the time that Vēna*'—the first king—'*was ruling over his kingdom*'—looking after his realm.

"It has been said that there are no sacred texts indicative of prevalence of this practice."

Not so; what was said was that there was no such indicative in the texts recited at marriage; in other texts there certainly are words indicative of it; for instance, there is the *mantra*—'*Ko vā sa putro vidhavēva devaraṁ mayā nu doṣo krṇutē sadhastha*' (Ṛgveda, 10·40·2),—which means 'who is the woman that invites you Ashvins to her bed in the manner in which the widow invites to her bed her younger brother-in-law,—that you do not come up ?'

"But what peculiarity is there in the *mantras* used at marriage (that capital is made of there being no indication *in them* of the practice in question)?"

What is meant is that the texts connected with marriage are more nearly connected with the subject of the begetting of children.

Others read '*vidvadbhiḥ*' (for '*avidvadbhiḥ*'); and the meaning of this would be—'This practice, of having intercourse with the brother's wife, which is fit for beasts, *has been declared by the learned to be reprehensible, for men,*—and it was introduced during the reign of King Vēna.'—(56)

VERSE LXVII

IN ANCIENT TIMES THAT CHIEF OF ROYAL SAGES, POSSESSING THE WHOLE WORLD, BROUGHT ABOUT THE CONFUSION OF CASTES, HAVING HIS MIND BESET WITH LUST.—(67)

Bhāṣya.

'*Possessing*,'—ruling over.

"When the King brought about the confusion of castes, how can he be called the chief of royal sages?"

The answer is that possessing the whole Earth, he was a great King, but he had his '*mind*'—mental equanimity—'*beset*'—destroyed—'*by lust*'—in the shape of carnal desires and so forth.—(67)

VERSE LXVIII

SINCE THEN, WHENEVER ANY ONE, THROUGH FOLLY, 'AUTHORISES' A WOMAN WHOSE HUSBAND IS DEAD, TO BEGET CHILDREN,—HIM THE GOOD MEN CENSURE. —(68)

Bhāṣya.

The sense of this declamatory passage is clear.—(68)

VERSE LXIX

IF THE HUSBAND OF A MAIDEN DIES AFTER THE TROTH HAS BEEN VERBALLY PLIGHTED,—SHALL HER THEN OWN YOUNGER BROTHER-IN-LAW ESPOUSE IN THE FOLLOWING MANNER.—(69)

Bhāṣya.

This verse lays down a practice in connection with maidens, which has the form of 'authorization'.

'*After the troth has been verbally plighted*'—*i.e.*, after the accomplishment of verbal betrothal;—when she has been given away orally by one and accepted by the other party.

'*Her own younger brother-in-law shall espouse*'—marry—'*her, in the following manner.*'—(69)

VERSE LXX

WHEN HE HAS, ACCORDING TO RULE, ESPOUSED HER, CLAD IN WHITE GARMENTS AND PURE IN HER OBSERVANCES, THEY SHALL APPROACH EACH OTHER ONCE IN EACH SEASON, UNTIL ISSUE.—(70)

Bhāṣya.

'*According to rule*'—in accordance with the rules laid down in the scriptures.

'*Has espoused her.*'—This would be 'espousal' or 'marriage' only in name; as the maiden in such a case would be called a '*punarbhū*,' 'a remarried widow'; and even though married, she could not be a 'wife' (in the real sense of the term); her marriage, which is nominal, being only for a defenite purpose. That this is so is shown in the next verse—'Having given away his daughter to one man, one shall not give her to another,'—which means, that she should not be given to her younger brother-in-law either; and when she is not *given away*—and as such does not become the property of the man—how could she be his 'wife'?

'*Clad in white garments*';—this is a rule that is to be observed by the man approaching the woman; it is to be observed also in other cases of 'authorisation.'—(70)

VERSE LXXI

HAVING GIVEN AWAY HIS DAUGHTER TO ONE MAN, THE WISE MAN SHOULD NOT GIVE HER AWAY AGAIN. HAVING GIVEN HER AWAY ONCE, IF HE GIVES HER AGAIN, HE INCURS THE GUILT OF 'FRAUD TOWARDS MEN.'—(71)

Bhāṣya.

It has been declared 'that consummation of it is to be understood as occurring at the seventh step' (8.227). People may be inclined to the notion that if the bridegroom dies before this point has been reached, the girl may be given away to another man; it is this notion that the present text precludes.

This prohibition has been repeated here, in view of the special circumstances herein mentioned; as a matter

of fact, the girl married after betrothal has been already declared to be a 'remarried widow.'

When the girl has been betrothed, given away, to one man,—if he happens to die—she shall not be given to another. By doing this the father incurs the guilt of '*fraud towards men*';—*i.e.*, he incurs the same guilt that would be incurred by the kidnapping of a human being.—(71)

SECTION (5)—REPUDIATION OF THE BETROTHED MAIDEN.

VERSE LXXII

Even after having accepted the maiden in due form, one may repudiate her, if she be blemished, or diseased, or corrupted, or betrothed by deception.—(72)

Bhāṣya.

'*Form*'—as prescribed in the scriptures; what is done in accordance with this—*i.e.*, as laid down in 3·35 *et-seq*,—where the use of water has been held by some to be meant for the case of maidens.

When one has, according to this form, accepted a maiden,—he may '*repudiate her*'—before marriage is done.

'*Blemished*'—disfigured by evil bodily marks, not perceived before. Even though she may have been accepted, and be very handsome, yet if she be found to be wanting in modesty, or harsh of tongue.

'*Diseased*'—suffering from consumption.

'*Corrupted*'—one who is known among men as suffering from an incurable disease, or as being in love with another man.

Such a girl one may repudiate.

Some people have explained '*vipraduṣṭā*' as 'de-flowered.'

This however is not accepted by others as right. So long as the girl has not been enjoyed by a man, and as such remains a 'maiden,' she cannot be regarded as 'corrupted'; and after she has been enjoyed, she is no longer a 'maiden'; so that in this case there could be no sense in the assertion

that 'one may repudiate the corrupted *maiden.*' And the abandoning of the 'deflowerd' girl has been already laid down before (under 8·226).

'*Betrothed by deception*'—actually wanting in limbs, or having superfluous limbs.

Since the text mentions the presence of defects as the ground for repudiation, it follows that even in the presence of such minor defects as are not mentioned here,—one may abandon the girl, even after betrothal.—(72)

VERSE LXXIII

IF A MAN GIVES AWAY A DEFECTIVE MAIDEN, WITHOUT DECLARING THE DEFECTS, ONE MAY ANNUL THAT ACT OF THE WICKED GIRL-BETROTHER.—(73)

Bhāṣya.

The defects of the maiden have been already described. If a man gives her away without declaring those defects,—one may '*annul*'—render null and void—that '*act*'—of giving—by returning the gift.

This, though already laid down in the preceding verse, has been made still clearer by the present one.—(73)

SECTION (6)—DUTIES OF THE HUSBAND GOING ABROAD.

VERSE LXXIV

A MAN HAVING BUSINESS MAY GO ABROAD, AFTER HAVING PROVIDED FOR THE MAINTENANCE OF HIS WIFE; FOR A WIFE, EVEN THOUGH VIRTUOUS, MAY BECOME CORRUPT, WHEN DISTRESSED BY WANT OF SUBSISTENCE.—(74)

Bhāṣya.

All that is meant by the injunction here put forth is that whenever a man goes abroad, he should do so after having made provision for his wife's subsistence; the form of the injunction being—'one going abroad should make provision for the subsistence of his wife'; that is, he should so arrange it that during the time that he is away, she shall be supplied with means of sustaining her body, with food, clothing and other household requisites.

Having provided for all this, he shall '*go abroad*,' *i.e.*, go away to foreign lands.

'*Having business*.'—'*Business*' stands for the man's purpose, visible (temporal) as well as invisible (spritual); the latter consisting in 'merit' and the former in 'wealth' and 'pleasure.' This same idea is going to be set forth again (in 76)—'If the man has gone abroad for the purposes of merit, etc.'

This text forbids journeying abroad and leaving the wife behind, in the absence of some such purpose as those herein mentioned.

'*Distressed by want of subsistence*.'—This points out a visible harm likely to arise; and is a purely declamatory assertion. '*Distressed*'—troubled—'*by want of subsistence*'—by poverty.

'*May become corrupt*'—by intercourse with other men.

'*Even though virtuous.*'—'*Virtue*' stands for the customs and ways of the family; and she who keeps up these is '*virtuous.*'

It is quite likely that through hunger and other forms of privation, the distressed wife may fall into corruption, and maintain herself by betaking herself to another 'husband.' The affix in '*praduṣyēt*' indicates likelihood.—(74)

VERSE LXXV

WHEN THE HUSBAND HAS GONE ABROAD AFTER HAVING PROVIDED FOR HER SUBSISTENCE, SHE SHALL LIVE ON, FIRMLY DEVOTED TO RESTRAINT. WHEN HOWEVER HE HAS GONE WITHOUT PROVIDING FOR IT, SHE SHALL SUBSIST BY UNOBJECTIONABLE INDUSTRIES. —(75)

Bhāṣya.

'*Restraint*'—such as, avoiding the house of others, in the absence of her husband, as she does when he is present.

'*Devoted*'—fixed, observing.

When he has gone without making provision for her, she should subsist by industries;—such as, spinning, lace-making and the like. The '*objectionable*' industries are the making of fans and such things.

These are the means of subsistence for widows, depending upon their own labour.—(75)

VERSE LXXVI

IF THE HUSBAND WENT ABROAD FOR SOME SACRED DUTY, HE SHOULD BE AWAITED FOR EIGHT YEARS; IF FOR LEARNING, OR FOR FAME, SIX YEARS; BUT THREE YEARS, IF FOR PLEASURE.—(76)

Bhāṣya.

It has been said that a man may go abroad 'on business'; the present verse proceeds to show the several kinds of 'business,'—the time of waiting varying with the nature of the business.

The text has said nothing as to what the wife should do after having waited for the eight years. And on this point, some people on the strength of Context, say that she should maintain herself by unobjectionable industries.

This however is not right. Because, if the maintaining of herself by unobjectionable industries referred to the time after the eight years of waiting,—then, before the lapse of that time, is she to die? Suicide is not considered desirable for her, just as it is not for the man; being, as it is, forbidden for all. Hence, the conclusion appears to be that before the lapse of the said time she shall maintain herself by unobjectionable industries; but after that she may have recourse to objectionable ones also.

Others hold that after the said time, the woman may deviate from chastity;—as says another Smṛti text—'When the husband is lost, or dead, or become a renunciate, or impotent, or an outcast—in the event of these five calamities another husband is permitted for women.' (Parāshara).

Others again hold the following view:—Even in ignorance, it is not open to the woman to renounce her chastity. In fact, it has been laid down among the duties of women (under 5·156) that 'on the death of her husband she shall not even utter the name of another man'; so that deviation from chastity is not permissible even on the death of her husband,—what to say as to when he has only gone abroad. As regards the Smṛti-text quoted, the word '*pati*,' 'husband,' is used there in the sense of *protector*, just as in the case of such terms as '*grāmapati*'

'*sēnāpati*' and so forth. So that all that the present text means is that—'she should no longer remain dependent upon her husband, she may undertake the work of the toilet-maid or some such thing, under another man who would give her food'; and when she has entered into a contract for such service extending over six months, or a year,—if the husband happen to turn up and claim her, asking the employer to give her up,—he can claim her restitution, before the lapse of the eight years; as before that she belongs to her husband.

Other matters relating to this subject have been fully dealt with under Discourse V.

This same view has been accepted by many others also.

Other people, however, hold that the text sanctions recourse to the life of the 'remarried widow' (after the lapse of the time mentioned). If a woman is abandoned by her husband,—or if her husband, after having made provision for her, does not return during the said time, and she is as good as abandoned by him,—then, she may be married by another man, according to the practice of 'widow remarriage'; and if the former husband happen to return after that, he can say nothing, and she shall continue to be the wife of the second husband.

This however is not right; since 'neither by sale nor by repudiation is the wife released from her husband.' (Manu 9.46); and the uses of this text we shall explain later on.

'*For a sacred duty.*'—The compound '*dharmakāryam*' being explained as a *karmadhāraya*—'*dharma*,'—'sacred'—'*kārya*'—duty; and that which is for purposes of this is '*dharmakāryārtham.*'

Objection—"For the house-holder, wherefore should there be any protracted journey abroad *for a sacred duty*? It is incumbent upon him to attend upon the Fires, to perform the

Five Sacrifices. How too can he remain away during the spring season? Since he has got to perform the *Jyotiṣ*-sacrifice during the spring. Even such acts as bathing in sacred places and the like, which are enjoined by *Smṛti* texts, have to be performed by him only so long as they are compatible with those laid down by *Shruti* texts. These could not be possible even for one who has gone abroad after having made arrangements for the maintenance of the fires and other such *Shrauta* rites. Since it has been laid down that 'journeys, after proper arrangments during absence, are permissible only till the next New or Full Moon'; and it has also been declared that 'on the New or Full Moon Day the man shall pour the libations *himself*.' Even for one who has not laid the Fires, if pilgrimages were undertaken,—even though these and the performance of the Five Sacrifices would stand upon the same footing, both being laid down by *Smṛti* texts,—yet as both the acts are laid down as to be done by him along with his wife, there should be no pilgrimage if the wife were left behind."

Our answer to the above is as follows:—What is said here refers to the commands of one's elders;—*i.e.*, to the case where the man is sent out by his elders, either for acquiring merit, a for attendance upon the king, or on some business of their own,—this going abroad would be '*for a sacred duty*.' Or, it may refer to the performance of such Expiatory Rites as consist in wandering about hermitages and such places. Or, '*for sacred duty*' may stand for the *acquiring of wealth*,—the man being poor and seeking to earn wealth by some means.

'*Or for the sake of learning*.'—

Objection—"But the taking of a wife is possible only after one has taken the Final Bath, which is possible only for one who has completed his studies and already acquired learning; wherefore then could there be any possibility for a married man to seek for *learning*?"

It has been already explained that even after learning a little of what is contained in the Veda, a man becomes entitled to marry, and also to the Final Bath and other Ceremonies.

"This cannot be right; there is Final Bath only after the 'enquiry into Dharma' has been completed; and 'enquiry' consists in "coming to a definite conclusion after due consideration and clearing of doubts."

True; but the present text does not contain the injunction that 'one should seek for learning.' If it were so, then it would be already included under the 'purpose of sacred duty'. Then again, even though the man may have acquired sufficient learning to entitle him to Bath and Marriage, yet it would be open to him to seek for further proficiency and practice, specially in the new sciences.

Journey is said to be 'for fame', when one goes abroad for advertising his bravery or learning.

'*For pleasure*',—for instance, when one follows a prostitute; or goes about seeking for a more desirable wife.

Another *Smṛti* text lays down the period of time in reference to the children born:—Says *Viṣṇu*—'The Brāhmaṇa shall wait till eight children are born, the Kṣattriya six and the Vaishya four.'

There is no time-limit in the case of *Shūdras*. But some people declare the limit in their case to be *one year*.—(76)

SECTION (7)--THE RECALCITRANT WIFE: SUPERSESSION, DIVORCE.

VERSE LXXVII

FOR ONE YEAR THE HUSBAND SHALL BEAR WITH A HATING WIFE; AFTER THE YEAR HE SHALL WREST HER PROPERTY AND CEASE TO CO-HABIT WITH HER. —(77)

Bhāṣya.

'*Hating*'—she who hates her husband.

The meaning of the verse is that he shall not turn her out of the house. 'Though the use of the root '*vas*' with '*sam*' is not compatible with the Accusative ending in '*ēnam*'; and '*samvasēt*', 'co-habit', would stand for '*samvāsayēt*', 'allowed to live with him',—yet it should be taken to mean 'chiding'. Even in the case of grievious sins, the woman is not to be turned away, since it has been laid down that 'she is to be kept imprisoned in one room'; similarly, in the case of expiatory rites in connection with such sins. The confiscation of her property also is for the purpose of bringing her to her senses; and it does not mean absolute taking away of all her belongings.—(77)

VERSE LXXVIII

IF THE WIFE DISREGARDS HER HUSBAND WHO IS MAD, OR INTOXICATED, OR AFFLICTED BY DISEASE, SHE SHOULD BE DEPRIVED OF ORNAMENTS AND APPURTENANCES AND ABANDONED FOR THREE MONTHS. —(78)

Bhāṣya.

'*Disregarding*' means neglect of his service, omitting to look after his medication and diet; it does not stand for having recourse to another man.

The 'abandoning' for three months also stands only for the omitting of endearing caresses, etc., for reasons already given.

She shall be deprived of '*ornaments*', such as necklaces, bracelets and so forth;—'*and of appurtenances*'—such as vessels, water-jars, slaves and slave-girls, etc., etc.—(78)

VERSE LXXIX

IF, HOWEVER, SHE SHOWS AVERSION TO ONE WHO IS MAD, OR AN OUTCAST, OR IMPOTENT, OR SEEDLESS, OR AFFLICTED WITH FOUL DISEASE, THERE SHALL BE NO DESERTION, NOR THE WRESTING OF HER PROPERTY.—(79)

Bhāṣya.

'*Impotent*' and '*seedless*', both denote absence of manly vigour; the only difference is that while the former indicates *futility of the seed*, the latter implies *total absence of virility.*

If a wife shows an aversion to such a husband, she is not to suffer punishment.

'*Wresting*'—means *confiscation. Banishment, stopping of food* and such other punishments have been forbidden by other *Smṛti*-texts.—(79)

VERSE LXXX

IF THE WIFE IS A DRUNKARD, OR FALSE IN CONDUCT, OR REBELLIOUS, OR DISEASED OR MISCHIEVOUS, OR WASTEFUL,—SHE SHOULD BE SUPERSEDED.—(80)

Bhāṣya.

'*Drunkard*'—addicted to drinking wine; and hence incapable of looking after cooking, and other household

work. Such a woman deserves "supersession." If she persists in drinking, even after she has been forbidden by her elders, she shall undergo the punishment laid down later on, in verse 84. For the sin of transgressing what she ought to observe, she should perform an expiatory rite; but on repetition, she shall be superseded.

Other grounds for supersession have been laid down as hampering the due fulfilment of religious rites, begetting of children and other household duties.

In the case of the *Brāhmaṇa* woman, for whom wine-drinking has been forbidden by the scriptures, there is to be expiation of the sin of drinking, if the act is not repeated. She does not become an outcast, since the grounds for women being outcasts have been enumerated—'abortion, and service of low-born men are the grounds for women becoming outcasts'—(says Gautama, 21.9.) All this we shall explain under Discourse XI; it has been dealt with under Discourse V also.

'*False in Conduct*'—whose conduct is not good; for instance, whose treatment of servants is harsh, who takes her food even before the religious offerings have been made, who has no faith in rites in honour of gods and *pitṛs*, or in the feeding of Brāhmṇnas and such religious acts.

'*Wasteful*'—who is a spendthrift, and does not take proper care of her utensils and furniture, and buys them at high prices and so forth.

'*Mischievous*'—who is inclined to inflict punishments for very small offences (?), and who is prone to interfere with ordinary daily expenditure (?).

'*Supersession*'—*i.e.*, marrying of a wife over and above the said one.—(80)

VERSE LXXXI

The barren wife shall be superseded in the eighth year; in the tenth she whose children

DIE OFF; IN THE ELEVENTH SHE WHO BEARS ONLY DAUGHTERS; BUT IMMEDIATELY SHE WHO TALKS HARSHLY.—(81)

Bhāṣya.

The text proceeds to lay down the supersession of other kinds of wives.

Among these, the barren one should be superseded in the eighth year; in the tenth, she whose children die off.

By marrying a second wife the man shall save himself from the contingency of disobeying the injunction regarding the Laying of Fire (to which a childless person is not entitled), and that regarding the begetting of children,—to which he would be liable by reason of his wife being childless. Because, the Laying of Fire is not found to be prescribed for a sonless person.

The same holds good regarding the wife that bears only daughters; as also she whose children die off.

As regards the wife who is harsh of speech, as there is no such serious defect, there need be no supersession; and she may be forgiven.—(81)

VERSE LXXXII

BUT IF A WIFE, WHO IS AN INVALID, IS WELL-DISPOSED AND ENDOWED WITH MODESTY, SHE MAY BE SUPERSEDED AFTER HER CONSENT HAS BEEN OBTAINED; AND IN NO CASE IS SHE TO BE DISGRACED.—(82)

Bhāṣya.

'*Will-disposed*'—towards her husband; *i.e.*, devoted to his service.

The present verse enjoins—(*a*) that her consent is to be obtained, and (*b*) that she shall not be disgraced. This applies also to the case of the barren wife, and to that of one who bears only daughters; because, all these have been

mentioned in the same context; and in none of these is there any reason why she should be disgraced.

'*In no case*'—never.

'*Disgraced*'—in the form of harsh words addressed in admonition.—(82)

VERSE LXXXIII

ON BEING SUPERSEDED, IF A WIFE, IN ANGER, SHOULD GO AWAY FROM THE HOUSE, SHE SHALL BE EITHER IMMEDIATELY CONFINED, OR CAST OFF IN THE PRESENCE OF THE FAMILY.—(83)

Bhāṣya.

For the wife going off in anger, caused by the supersession,—the present text lays down two optional alternatives in the shape of *confinement* or *divorce.* It would not be right in such a case for either the mother-in-law or the father-in-law and other relations to console her and appease her anger by means of presents of food and clothing, or by sweet words, etc.

'Confinement' consists in placing her in the charge of guards.

'*Divorce*', '*Casting off*', has already been explained as consisting in dropping intercourse with her, and avoiding her bed.

'*Family*' —Relations, on the woman's father's side, as also those of the husband's own side.—(83)

VERSE LXXXIV

IF THE WIFE, THOUGH FORBIDDEN, DRINKS WINE EVEN AT FESTIVALS OR VISITS, SHOWS AND ASSEMBLIES, SHE SHALL BE FINED SIX '*Kṛṣṇalas*'.—(84)

Bhāsya.

'*Forbidden,*—by elders and relations.

The fine here prescribed is for the woman belonging to the *Kṣattriya* and other lower castes; and not for the

Brāhmaṇa woman, who cannot be let off by the small fine here prescribed; in her case the fine shall be a heavy one. Further, there is no chance of the latter partaking of wine at festivals. It is only the former class of women for whom wine-drinking is not entirely prohibited, who are found to give themselves to much drinking, when they come together on festive occasions; and it is in view of this that they are forbidden.

This fine is to be inflicted by the husband. Even though the inflicting of punishments in the duty of the king, yet, inasmuch as the husband is the 'lord' of his wife, he is regarded as competent to inflict the fine; specially as it is found that people are considered free to inflict fines upon servants and other dependents, in certain cases.

'*Festivals*'—rejoicings in connection with the birth of a son, marriages and the like.

'*Shows*'—theatrical and other spetacles.

'*Assemblies*'—large crowds of men.

This fine is to be imposed upon the woman who evinces anxiety to visit these.—(84)

SECTION (8)—SENIORITY AMONG CO-WIVES

VERSE LXXXV

When twice-born men wed women of their own as well as other castes, their seniority, honour and habitation shall be according to the order of their castes.—(85)

Bhāṣya.

If urged by carnal desire, men should wed women belonging to the same caste as themselves, or those belonging to other castes, then their '*seniority*' shall depend upon '*the order of their castes*,'—and not upon age, nor upon the order of their age.

'*Honour*'—consisting in the presenting of fruits and other things.

'*The order of the caste*' is that the Brāhmaṇa-wife comes first, then the *Kṣattriya*, then the *Vaishya.*

'*Habitation*'—*i.e.*, the principal apartments. This belongs to the Brāhmaṇa-wife.

Among wives of the same caste, all this is governed by the order of their marriage.—(85)

VERSE LXXXVI

Of all wives, the wife of the man's own caste, and never that of a different caste, shall attend to the husband's personal service, as also to his daily sacred rites.—(86)

Bhāṣya.

'*Personal service*'—*i.e.*, cooking his food, making gifts on his behalf, keeping vigils for him, and so forth.

All this the wife belonging to the man's own caste shall attend to.

There is no such restriction however regarding such service as shampooing the back and the feet, washing of the feet and so forth.

The declamatory supplement to this follows in the next verse.—(86)

VERSE LXXXVII

WHILE THE WIFE OF THE SAME CASTE IS ALIVE, IF THROUGH FOLLY, ONE CAUSES THESE DUTIES TO BE PERFORMED BY ANOTHER WIFE, HE IS A '*Brāhmaṇa-Chāṇḍāla*', AS HAS BEEN HELD BY THE ANCIENTS.—(87)

Bhāṣya.

If a man gets all this done by '*another wife*'—one belonging to a different caste—while she of the same caste, is still living,—he, though a Brāhmana, is as good as a '*Chāṇḍāla.*' This has been so held by the ancients.—(87)

SECTION (9)—THE MARRIAGE OF GIRLS.

VERSE LXXXVIII

One shall give his daughter in the proper form, even though she may not have attained (the age), to a bridegroom who is of exceptionally distinguished appearance, and her equal.—(88)

Bhāṣya.

'*Utkṛṣṭāya-abhirupāya.*'—The first term qualifies the second; and the meaning is 'who is of exceptionally distinguished appearance.'—Or, the two terms may be taken as two distinct qualifications—'*utkṛṣṭāya*' meaning 'one whose caste and other qualifications are remarkable,' and '*abhirūpāya*' meaning 'handsome';—the literal signification of the term being '*rūpam ābhimukhyēna prāptaḥ,*' 'who has acquired a good appearance.'—Or, '*abhirūpāya*' may mean *well-disposed*; it is in this sense that a learned man also is called '*abhirūpa.*'

'*Equal*'—in caste and other matters.

'*Bridegroom*'—one who marries; the son-in-law.

'*She who has not attained*';—*i.e.*, who has no carnal desires aroused, who is still too young, not having reached the youthful age,—called '*nagnikā*' in another *Smṛti-text*; *i.e.*, one in whom the sexual instinct has not arisen, who is only eight or six years old,—but not a mere *infant*; as is indicated by the qualifications (elsewhere)—'one who is eight years old.'

This same qualification may also be indicative of the fact that marriage is meant to be conducive to spiritual merit. If mere Lust were the sole inducement to Marriage, wherefore could there be any marriage of the girl '*who has not attained her age*'?

There is no force however in this; as people are found to marry very young girls with a view to her dowry. And it has been fully explained under Discourse III that all forms of activity are not in accordance with what is laid down in the scriptures.—(88)

VERSE LXXXIX

WELL MIGHT THE MAIDEN, EVEN THOUGH SHE MAY HAVE REACHED PUBERTY, REMAIN IN THE HOUSE TILL HER DEATH; BUT THE FATHER SHALL NEVER GIVE HER TO A MAN DESTITUTE OF GOOD QUALITIES.—(89)

Bhāṣya.

As a rule, the girl should be given away before puberty; but even after puberty, the father should not give her away until a qualified bridegroom has been found.

'*Qualities*'—such as a high degree of learning, bravery, physical beauty, right age, being averse to doing acts forbidden by custom and scriptures, love for the bride; and so forth. —(89)

VERSE XC

HAVING REACHED PUBERTY, THE MAIDEN MAY WAIT FOR THREE YEARS; AFTER THAT TIME, SHE SHALL PROCURE A SUITABLE HUSBAND.—(90)

Bhāṣya.

'*Puberty*'—menstruation; after menstruation she may stay in her father's house '*for three years*'; after that, in the event of a distinguished bridegroom not forthcoming, she shall choose a '*suitable husband*'—one who is her equal in caste. —(90)

VERSE XCI

WHEN A MAIDEN, WHEN NOT GIVEN AWAY, HERSELF PROCURES A HUSBAND, SHE INCURS NO SORT OF SIN; NOR DOES THE MAN WHOM SHE WEDS.—(91)

Bhāṣya.

After three years, if not given away, if the girl chooses a husband,—then, no sort of guilt accrues either to the girl or to the man.

That the girl incurs no sin having been already mentioned in the foregoing verse, the present verse is added for the purpose of declaring that there is none on the part of the bridegroom either.

Puberty has been declared to be reached by girls when they are twelve years old.—(91)

VERSE XCII

WHEN THE GIRL CHOOSES HER OWN HUSBAND, SHE SHOULD NOT TAKE AWAY ANY ORNAMENTS GIVEN TO HER EITHER BY HER FATHER, OR MOTHER OR BROTHER; IF SHE DID TAKE THEM, SHE WOULD BE A THIEF.—(92)

Bhāṣya.

Ornaments that may have been given to her on previous occasions by her brother or other relations, who would be ignorant of her desire to choose her own husband,—all such ornaments she should hand back to them. She is not to give up what has been given to her after she has actually done the act.

It is only when the ornament has been given to her beforehand by persons, with the motive that she shall not be given to a particular person,—and yet it is this same person that the girl chooses for her husband,—it is not right for her to retain the gift.

'*Stēnaḥ*,' in the masculine form, is another reading for '*Stēnā*'; in which case the 'theft' would lie upon the bridegroom; in which case, the father should force him to give up the ornament.—(92)

VERSE XCIII

WHEN A MAN TAKES AWAY A MAIDEN WHO HAS REACHED PUBERTY, HE SHALL PAY NO NUPTIAL FEE TO THE FATHER,—WHO WOULD FALL OFF FROM HIS OWNERSHIP BY REASON OF THWARTING HER MENSES. —(93)

Bhāṣya.

This prohibits the payment of nuptial fees in the case of the girl who has reached puberty, and who is intended to be given away for a fee; and the reason for this is that—'*he would fall off from his ownership.*' It is only during *childhood* that the girl is to live under the tutilage of her father; so that when she is taken away by a man after she has reached a higher age,—the father's ownership over her has ceased.

Even in the case of a girl who is not intended to be given away for a fee, the father's ownership ceases,—the grounds for such cessation (*i.e.*, the girl having reached the higher age) being equally present in her case also.

'*Falling off*' means *cessation.*

'*Thwarting*'—impeding its fruition in the shape of bearing children.

Some people say that this verse does not belong to Manu. —(93)

VERSE XCIV

A MAN THIRTY YEARS OLD SHALL MARRY A CHARMING MAIDEN TWELVE YEARS OLD; OR ONE TWENTY FOUR YEARS OLD, A DAMSEL EIGHT YEARS OLD; IN THE EVENT OF HIS DUTIES SUFFERING, HE MAY DO IT SOONER.—(94)

Bhāṣya.

What the injunction means is that the maiden married should be so much younger than the man;—and not that

marriage must be done only at the age stated. Nor is any stress meant to be laid upon the exact number of years mentioned; all that is meant is that one should marry a girl *very much younger* than himself.

This injunction does not occur in the section dealing with Marriage; hence, what is stated here cannot be regarded as a qualification of the persons undergoing that sacrament, and consequently, as an essential factor in the rite itself; for this same reason, it cannot be taken as precluding the age of 'ten' or 'twenty-five' or such others.

"But it is often found that even though laid down in a distinct passage, a detail does form an essential factor of an act."

True; but the very fact that the teacher has thought it fit to place the present text apart from the section on marriage is clearly indicative of the fact that he had some special purpose in this.

The practice of cultured men is also as we have stated.

Further, the age here stated can never be observed in the case of one's son marrying a second time; so that, if the injunction were meant to be taken literally, it would mean that there should be no second marriage; and this would be absurd.—(94)

VERSE XCV

THE HUSBAND OBTAINS HIS WIFE AS A PRESENT FROM THE GODS, AND NOT BY HIS OWN WISH; HENCE HE SHOULD ALWAYS SUPPORT THE FAITHFUL WIFE, THEREBY DOING WHAT IS AGREEABLE TO THE GODS.—(95)

Bhāṣya.

What the verse means is that 'the faithful wife should not be abandoned, even though she suffer from the defects of being disagreeable or of harsh speech and so forth'; and the rest of it is merely commendatory.

As for the rule that 'he shall keep her confined in one room,' which has been laid down in regard to the unfaithful wife,—this applies to a case where there has been a single act of transgression on her part; if the act is repeated, divorce must follow. Otherwise, there would be no point in the assertion that 'he shall always support the *faithful* wife.'

As regards the declaration—'when a woman has transgressed, she shall have all her rights withdrawn, be dressed in dirty clothes and be given mere subsistence, being allowed to live in a degraded condition, lying upon the ground' (*Yājñavalkya*, 1·70),—this refers to a case where the husband is willing and able to keep her; if however he is unwilling, then there must be divorce.

It is going to be laid down later on that food and clothing should be provided for even such wives as have become outcasts, and so forth; but that has to be taken only as prohibiting *banishment* which would be involved in the starting of a life of living on alms, which forms part of the expiatory rite consequent upon such heinous sins as the murdering of a Brāhmaṇa and the like. This we shall explain later on. In any case, it is not incumbent upon the husband to support a wife who has turned unfaithful. Nor does the present text prescribe 'casting off' which might be interpreted as 'avoiding intercourse with her.'

That the wife is a 'present from the gods' is implied by such Vedic texts and declamatory passages as—'Soma gave her to Gandharva etc.,' (*Ṛgveda*, 10.85.41).

Or, she may be called 'a present from the gods' in the sense that during the marriage-rite itself, the girl becomes the wife of the gods.

'*Obtains,—not by his own wish.*' So that the wife does not stand on the same footing as cattle or gold picked up in the market. This is what is meant by the phrase '*not by his own wish.*'

'*What is agreeable to the gods.*'—When one divorces his wife, who is a necessary factor in the offering of libations to the Vishvedevas, he is not in a position to do 'what is agreeable to the gods.' Hence, even though she be hostile, she has to be supported. But in the event of her becoming an outcast, and hence losing her rights, the husband may 'supersede' her.—(95)

VERSE XCVI

WOMEN WERE CREATED FOR THE PURPOSE OF CHILD-BEARING, AND MEN FOR THE PURPOSE OF PROCREATION. HENCE IT IS THAT RELIGIOUS RITES HAVE BEEN ORDAINED IN THE VEDA AS COMMON BETWEEN THE MAN AND HIS WIFE.—(96)

Bhāṣya.

'*Child-bearing*'—Conception.

'*Procreation*'—Impregnating.

'*Hence*'—*i.e.*, because of the act of child-begetting being dependent upon both,—the man's Religious Rites have been ordained in the Veda, as being in common with his wife.

Consequently, since alone by himself he could not be entitled to the performance of any rites, he shall not abandon his wife, even though she be hostile.—(96).

VERSE XCVII

AFTER THE NUPTIAL FEE FOR A GIRL HAS BEEN PAID, IF THE MAN WHO PAID THE FEE DIES, THE GIRL SHOULD BE GIVEN TO THE YOUNGER BROTHER-IN-LAW, IN CASE SHE CONSENTS.—(97)

Bhāṣya.

When the nuptial fee has been received by her father and other relations, but she has not been given away,—

only the verbal betrothal having been done,—if, in the interval, the giver of the fee happen to die, then there arises the doubt as to whether she, in the manner of other goods, shall revert to the younger brother-in-law, or to all brothers, as in the case of Yudhiṣṭhira and others, or in the absence of brothers, to '*Sapiṇḍa*' relations,—the text lays down the rule that '*she should be given to the younger brother-in-law*';—not either to all the brothers of her husband, or to all his '*Sapiṇḍa*' relations,—but to his younger brother only. But here also, only if the girl consents.

"In the event of the girl not consenting, what shall become of the nuptial fee?"

If the girl desires to take to life-long celibacy, then the fee shall remain with the members of her father's family; but if she seeks for another husband, then the fee shall be refunded out of the fee received from this second man.—(97)

VERSE XCVIII

EVEN A SHUDRA SHOULD NOT TAKE A NUPTIAL FEE, WHEN HE IS GIVING AWAY HIS DAUGHTER; BY ACCEPTING A FEE, WHAT HE DOES IS DISGUISED BARTERING.—(98)

Bhāṣya.

What is to be done when the fee is received voluntarily, has been laid down in the preceding verse. Hence some people might come to entertain the following notion—" There is nothing wrong in receiving the nuptial fee, since the scriptures have laid down special rules regarding the subject." And with a view to preclude such a notion, the text says—'*even a Shūdra should not take a nuptial fee.*'—What the foregoing text has done is to lay down certain rules relating to cases where a man receives the fee, of his own will; and it does not lay down the propriety of receiving the fee. Just as the laying down of expiatory rites in connection with wine-drinking does not mean that the drinking is permitted.

The 'nuptial fee' here spoken of is the same as what has been deprecated in another text; and we have already explained why the same fact has been reiterated in the present verse.—(98)

VERSE XCIX

GOOD MEN, BOTH ANCIENT AND MODERN, HAVE NEVER COMMITTED THE ACT, THAT HAVING PROMISED TO ONE THEY GAVE HER TO ANOTHER.—(99)

Bhāṣya.

It has been declared above that—'when the nuptial fee has been received, and the giver of the fee has died, the girl may be given to another man, if she consents.' This is what is forbidden by the present text,—*i.e.*, the act of promising the girl to man who has paid the fee, and then to give her to another after receiving a fee from him.

What is meant is that in such cases the girl should be made to choose her own husband.—(99)

VERSE C

NOR INDEED HAVE WE HEARD, EVEN IN FORMER CYCLES, OF THE COVERT SALE OF A DAUGHTER, FOR A PRICE STYLED "NUPTIAL FEE."—(100)

Bhāṣya.

We have not heard of such a thing from any source.

'*Pūrvēṣu janmasu*'—*i.e.*, in former cycles.—(100)

SECTION (11).—SUMMARY OF THE LAW RELATING TO HUSBAND AND WIFE.

VERSE CI

'MAY MUTUAL FIDELITY CONTINUE TILL DEATH',—THIS, IN BRIEF SHOULD BE UNDERSTOOD AS THE HIGHEST DUTY BETWEEN HUSBAND AND WIFE.—(101)

Bhāṣya.

'*Fidelity*'—unstinted obedience in all actions. Says Āpastamba: (*a*) 'The wife should not be neglected in matters relating to Duties, Wealth and Pleasure';—(*b*) 'The highest good of man consists in Duty, Wealth and Pleasure, as it is declared that the whole *fabric* rests upon these three factors.'

Some people hold the following view :—"What is meant by '*fidelity*' here is *non-abandonment*; otherwise, as to the woman, so to the man also, it would not be open to marry more than one wife."

This however is not right; because in regard to men there is a distinct sanction—(*a*) 'Those who act through mere lust, etc.,' (*b*) 'the barren wife shall be superseded in the eighth year,' and so forth; while there is no such sanction in the case of women. There is another text also which is indicative of the same fact—'There are several wives for one man, but not several husbands for a woman at the same time.' .

'*Until death*,'—till they die; *i.e.*, it ends only when either of them dies.

This should be understood to be the highest duty of man and wife, stated in brief.—(101)

VERSE CII

MAN AND WIFE, AFTER THEY HAVE PASSED THROUGH THE RITES, SHOULD ALWAYS SO EXERT THEMSELVES THAT THEY MAY NOT BECOME SEPARATED AND BE UNFAITHFUL TO EACH OTHER.—(102)

Bhāṣya.

'*Should exert themselves*'—should make an effort; so that they may not be unfaithful to each other;—*unfaithfulness* consisting in neglect, want of co-operation in matters relating to Duty, Wealth and Pleasure.

'*Passed through the rites*'—performed the rites of marriage.

This verse is meant to be a summing up of what has gone before, and not the injunction of any thing new.—(102)

VERSE CIII

THUS HAS BEEN EXPOUNDED TO YOU THE LAW RELATING TO HUSBAND AND WIFE, WHICH IS CONDUCIVE TO CONJUGAL HAPPINESS,—AS ALSO THE MANNER OF OBTAINING CHILDREN IN TIMES OF DISTRESS; LEARN NOW THE PARTITION OF INHERITANCE.—(103)

Bhāṣya.

This verse shows the connection between what has gone before and what is coming next.

The two subjects—of the Duties of Husband and Wife, and the Begetting of Children—having been dealt with, it is the fit occasion for taking up the subject of the Partition of Inheritance.—(103)

SECTION (11)—INHERITANCE: EQUAL DIVISION AMONG SONS.

VERSE CIV

AFTER THE DEATH OF THE FATHER AND OF THE MOTHER, THE BROTHERS, BEING ASSEMBLED, SHALL DIVIDE EQUALLY THE PATERNAL PROPERTY; WHILE THE PARENTS ARE ALIVE, THEY HAVE NO POWER.—(104)

Bhāṣya.

'*Shall divide*'—the affix denotes *propriety*. (*Further Bhāṣya* not available).

SECTION (12)—THE ENTIRE PROPERTY GOES TO THE ELDEST BROTHER.

VERSE CV

THE ELDEST BROTHER ALONE MAY TAKE THE ENTIRE PATERNAL PROPERTY; THE REST SHALL LIVE UNDER HIM, JUST AS UNDER THEIR FATHER.—(105)

Bhāṣya.

(No *Bhāṣya* available).

VERSE CVI

BY THE MERE BIRTH OF THE ELDEST SON, A MAN BECOMES 'WITH SON,' AND (HENCE) FREE FROM THE DEBT TO *Pitṛs*; IT IS FOR THIS REASON THAT HE DESERVES THE WHOLE.—(106)

Bhāṣya.

(No *Bhāṣya* available).

VERSE CVII

THAT SON ALONE TO WHOM THE MAN TRANSFERS HIS DEBT, AND THROUGH WHOM HE ATTAINS IMMORTALITY, IS THE 'DUTY-BORN SON;' OTHERS ARE KNOWN AS 'LUST-BORN.'—(107).

Bhāṣya.

'*Others, etc.*'—This is purely declamatory. If it were taken in its literal sense, the younger brothers would never be entitled to any property at all; and this would be contrary to what follows.—(107)

VERSE CVIII

The eldest brother shall support his younger brothers, just as the father supports his sons; and the younger brothers, in duty bound, shall behave towards the eldest brother, like sons.—(108)

Bhāṣya.

They should be supported like sons; but they shall not be deprived of wealth, on the ground of their being of younger age.

They also should look upon him as their father; this is what is meant by the sentence.—'*They shall behave like sons*.'—(108)

VERSE CIX

It is the eldest brother who advances the family, or ruins it; the eldest brother is worthy of the highest honour; the eldest brother is never ill-treated by good men.—(109)

Bhāṣya.

This is another eulogy on the eldest brother.

The right sort of eldest brother '*advances the family*'; and when the same is devoid of qualities, he '*ruins it*.' When the eldest brother has a good character, his younger brothers also behave in the same manner. And when not possessed of good qualities, all these quarrel among themselves.—(109)

VERSE CX

If the eldest brother behaves as the eldest brother, he is like a mother, and like a father. If however he does not behave like the eldest brother, he shall be honoured simply as a kinsman.—(110)

Bhāṣya.

'Behaving like the eldest brother' consists (1) in treating the younger brothers with love, like that towards a son,—(2) in supporting them and looking after their property, like his own, and (3) in preventing them from wrong acts.

If he behaves otherwise, he should be honoured '*like a kinsman*,'—*i.e.*, like the maternal or paternal uncle; *i.e.*, the younger brothers shall stand up when they come up, and so forth. This means that they shall not be entirely subservient to his wishes.—(110)

SECTION (13).—SEPARATION OF THE BROTHERS: PARTITION: ALLOTMENT OF SHARES.

VERSE CXI

THUS MAY THEY LIVE EITHER TOGETHER, OR SEPARATELY, WITH A VIEW TO SPIRITUAL MERIT; BY SEPARATE LIVING MERIT PROSPERS; HENCE SEPARATION IS MERITORIOUS.—(111)

Bhāṣya.

Inasmuch as no man voluntarily incurs any responsibilities regarding the performance of the *Jyotiṣṭoma* and other sacrifices, which involves the spending of wealth,—the text proceeds to recommend 'separation,' with a view to the performance of such acts.—'*Or separately with a view to spiritual merit*'—This does not mean that non-separation is sinful; all that is meant is that Separation is meritorious, just like the *Agnihotra* and other acts.

"But since non-separation would be an obstacle to the performance of the meritorious acts, it should be sinful."

There is no force in this objection. There is sin only when a man omits to do what it is his duty to do; and one who has not separated from his brother is not entitled to the performance of the religious acts, for the simple reason that he has no independent 'Fire' of his own; as the 'Laying of Fire' has been laid down as to be done at the time of separation. In the case of the man who has married and laid his Fires during his father's life-time, he is at once entitled to the performance of the religious

acts; so that for such a man there is no 'non-separation.' But even in this case, if the man happens to lose his property, or for some reason does not possess enough wealth to enable him to perform the religious acts, he would not incur sin, if he lived with his brothers. Because, as has been already pointed out, neither 'separation' by itself, or 'non-separation' by itself, is either meritorious or sinful.

"It has been declared that 'for brothers who have not divided their property a single religious duty is performed,' which shows that like husband and wife, the brothers perform their duty conjointly; and this clearly shows that before separation, their clear duty is that they should act conjointly, on account of their property being common."

This cannot be the case with the *Agnihotra* and similar acts. These are performed in the '*Āhavanīya*' and other consecrated fires; and the existence of these fires is due to certain consecratory rites. Further, as the injunction relating to these contains the verb with the *Ātmanēpada* ending, it is clear that the Fires consecrated by one man cannot be used by another; and further the pouring of oblations in Fires consecrated by another person is found to be distinctly forbidden —'one should not offer sacrifices in Fires belonging to another man.' Nor is the performance of the *Agnihotra* and other rites laid down as to be done in the household Fire kindled according to *Smārta* rites, because the very term 'household' connotes a special qualification; and the fire thus qualified could be used for certain specified purposes only; such for instance as the feeding of guests and other acts laid down as constituting the 'great sacrifices;'—in such texts as—'In the marital fire should one perform his household-rites, as also the five sacrifices.' From this it is clear that in the household-fire one can perform only the *household-rites*. Consequently when a text says that 'a single duty is performed,' it clearly refers to such acts as the *Shrāddha*, the Charities and so forth. —(111)

VERSE CXII

For the eldest, the additional portion shall consist of the twentieth part of the property, as also the best of all the chattels; half of that for the middlemost, and the fourth of that for the youngest.—(112)

Bhāṣya.

Some people hold the following view—"This rule regarding the *additional portions* refers to the past, and is not meant to be observed during the present time; specially because the rules laid down in the *Smṛti* always bear upon some particular time; and when the rule is put forth as to be observed, the intention of the author is that the knowledge of this may bring merit to the learner; just as it is in the case of the Prolonged Sacrificial Sessions. No one is found nowadays to perform these Prolonged Sacrificial Sessions; and yet *Brāhmaṇa* texts contain injunctions of them. It is in view of such acts that it has been declared that 'Religious duties for the Kali cycle are different *etc., etc.*' (1·85). Thus religious duties are to be understood as restricted in regard to time also, just as they are in regard to place. As a matter of fact, no religious act that has been enjoined is performed in all places; hence it is that they are declared as restricted in regard to place. If they were meant to be performed at all places, there would be no such restrictions as—'This shall be done by the learned twice-born persons *etc., etc.*' (9·66). From all this it follows that when rules regarding *Additional Portions* are put forward, they are not meant to be observed, their case being analogous to that of *Killing the cow* (for the *Madhuparka* offering)."

This view is not quite satisfactory. No such restriction regarding *time* is found laid down anywhere. Restrictions regarding *place* also that are found pertain only to 'the ground sloping towards the east' and so forth, and never to the 'Central'

or 'Eastern' or other parts of the country; as has been made clear under 8·41. As regards the Prolonged Sacrificial Sessions also, it is quite possible even nowadays to preform them; specially as it has been already shown that in connection with all this the term 'year' stands for the *day.* As for no one being found to perform these nowadays,—even though its performance has been enjoined as *necessary,*—that may be due to the fact, either that men are not possessed of the capacity necessary for their performance, or that they do not desire the results obtainable from its performance, or that they do not have sufficient faith. Then, as regards the phrase 'while Vēna was ruling over his kingdom' (9·66), which has the appearance of a restriction regarding *time,* all that it indicates is that the duties laid down have been performed from very ancient times; and not that they are restricted in regard to time.

The 'twentieth part' for the eldest; *i. e.,* the twentieth part of the entire state shall be deducted and given to the eldest brother. Half of that—*i. e.,* the fortieth part, to the middlemost brother; and to the youngest brother, the fourth part of that,—*i. e.,* the eightieth part. When all these shares have been taken out, the remainder is to be divided into three equal parts.

Further, among all the chattels, that which happens to be the best is to be given to the eldest brother.

Or, the reading may be '*dravyēṣvapi param varam,*' which means that from among all kinds of things—good, bad and indifferent,—the best of each kind shall be given to the eldest brother. For instance, if there are cows or horses, the best of these shall be given to him—absolutely—and not either in lieu of any other article, or in return for a price.

This rule regarding *additional portions* is meant only for those cases where the three brothers are possessed of special qualifications; as it is only in the case of such men that additional shares are found to be actually given.—(112)

VERSE CXIII

THE ELDEST AND THE YOUNGEST SHALL RECEIVE THEIR PROPERTY ACCORDING TO THE RULE JUST STATED; TO THOSE OTHER THAN THE ELDEST AND THE YOUNGEST, WOULD BELONG THE MIDDLEMOST SHARE.—(113)

Bhāṣya.

In a case where a man dies leaving more than three sons, the eldest and the youngest shall receive their shares in the manner just stated, if they are duly qualified; and (*a*) the 'fortieth part' which has been ordained 'for the qualified middlemost' in the preceding verse, shall be divided among the several middle ones; but (*b*) when all the middle ones are qualified, each of them shall receive the 'fortieth part' of the property. Both these methods of division are indicated by the words of the text—'to them *would belong the middlemost share*'—*i. e.*, (*a*) the middlemost share allotted to the middle brothers shall be given to all the middle brothers conjointly; or (*b*) every one of them shall get it, in accordance with their relative ages. The former of these would be most proper in the case of all the middle brothers being unqualified; as these do not deserve much property; and the latter method should apply to the case where all are duly qualified.—(113)

VERSE CXIV

AMONG THE GOODS OF EVERY KIND, THE FIRST-BORN SHALL TAKE THE BEST; AS ALSO ANYTHING THAT MAY BE PARTICULARLY GOOD; AS WELL AS THE BEST OF TEN ANIMALS.—(114)

Bhāṣya.

The first half of the verse only reiterates what has been said above regarding the eldest brother taking the be of the chattels.

The term '*jāta*' is synonymous with '*jāti*,' 'kind'; or it may mean 'variety.'

'*First-born*'—eldest.

'*Best*'—most excellent.

'*Anything particularly good*;'—such as a piece of cloth or an ornament.

'*Best of ten*.'—He shall take the best one among the ten. That is, if there are ten cows or horses, he shall take the best among these. The term 'ten' is used in the sense of a *group consisting of ten*.

Others explain '*dashataḥ*' as ending in the '*tasi*' affix, which has the reflexive sense, and hence meaning '*ten*' (not 'from among ten'); and according to this they read '*varān*' in the plural (for '*varam*'); and the sense in this case is that he should take *ten good animals*.

Others again declare that the term refers to a particular kind of animals; those that have single hoofs, for instance(?). —(114)

VERSE CXV

But there is to be no additional share 'out of ten,' if all the brothers are efficient in their occupations; some little thing however shall be given to the eldest, as a mark of respect. —(115)

Bhāṣya.

'*Out of ten*'—animals.

'The additional share,' mentioned in the preceding verses,—there is to be none,—when the brothers are all '*efficient*'—particularly excellent—'*in their occupations*'—of learning, study and so forth.

Some people take the term '*dashasu*,' 'out of ten,' as purely illustrative;—the sense being that there is to be none

of the additional shares that are mentioned in the text which speaks of 'the best of ten;' and the reason given for this explanation is that the text lays down 'efficiency in occupations' as the ground.

Even in such cases however, the other brothers should give to the eldest brother '*some little thing*' —some present —as a mark of respect.—(115)

VERSE CXVI

AFTER THE 'ADDITIONAL SHARE' HAS BEEN THUS DEDUCTED, EQUAL SHARES SHALL BE ALLOTTED. BUT IF NO ADDITIONAL SHARE HAS BEEN DEDUCTED, THE ALLOTMENT OF SHARES SHALL BE IN THIS (FOLLOWING) MANNER.—(116)

Bhāṣya.

'*Deducted*'—set apart.

'*Uddhāra*'—additional share.

'*Equal shares shall be allotted*'—out of the property that remains after the deduction.

If no additional share has been set apart, the allotment of shares shall be in the manner going to be described below.—(116)

VERSE CXVII

THE ELDEST SON SHALL TAKE ONE SHARE IN EXCESS; THE ONE BORN NEXT TO HIM A SHARE AND A HALF; AND THE YOUNGER ONES ONE SHARE EACH; SUCH IS THE SETTLED LAW.—(117)

Bhāṣya.

The eldest brother shall take '*one share in excess*' of his own; that is, he shall take *two* shares.

The brother born next to him '*a share and a half*,'—this being the second brother's share.

'*The younger ones*'—born after the second; all these shall receive one share each,—nothing more or less.—(117)

SECTION (14).—SHARES OF UNMARRIED SISTERS.

VERSE CXVIII

To the maidens of the same caste, the brothers shall each severally give the fourth part of his share; those not inclined to give would be outcasts.—(118)

Bhāṣya.

The term '*kanyā*' is, as a rule, used in the sense of the *unmarried girl*; as we find in the case where a son is called '*kānīna*' (which means *born of a kanyā*, *i.e.*, of an unmarried woman). In another *Smṛti* text, '*anūḍhā*' ('unmarried') is the actual word used. From this it is clear that the share here laid down pertains to the unmarried girl.

'*Of the same caste.*'—Each of the brothers should give to the sister of the same caste as himself the fourth part of his own share. That is to say, in a case where the father has left several unmarried girls, the share allotted to each of them should be the fourth part of the portion of the brother belonging to the same caste as himself.

The upshot therefore comes to be this:—Three parts of the property shall be taken by the sons and the fourth part by the daughter.

Some people have held the following view:—Three parts of the property shall be taken by the sons and the fourth part by the daughter.

Others have held the following view:—"Truly a great benefit is derived by the daughter from her father:

If the father is alive they have their marriage performed at tremendous expense, and if he is dead, she obtains a share in the property."

But the same may be said of the son also. Further, why should there be such objections against what is distinctly laid down by the words of the text?

If the idea of the objector is that, according to custom, the only benefit to which the girl is entitled is that her marriage should be performed,—then our answer is that the direct assertion of the Smṛti is infinitely more authoritative than custom. As a matter of fact however, the custom referred to is by no means universal; so that when it is only limited in scope, the right course is to adopt the course laid down in the Smṛti text.

Some people have held the view that—"all that need be given to the girl is what is necessary for her marriage, and not quite the *fourth part* as mentioned in the text."

But to such people we address the following remarks:—There is no restriction upon gifts in connection with marriage, as there is in connection with the sacrificial fee, which is fixed at 'twelve hundred.' The gift in connection with marriage however is not precisely fixed. For it is said.—'The father shall marry the girl, clothed and adorned, and he may also give her a dowry;' and as ornaments are of various kinds, made of gold, jewels, pearls, corals and such substances, it cannot be definitely ascertained how much wealth is to be given on that account, or what sort of ornament is to be given. So that even for the purpose of precisely defining what shall be given, it is only right to say that the brother shall give the fourth part of his share. Nor does this militate against either any scriptual injunctions or reason.

This same view is supported by other *Smṛti* texts also: 'The brothers who have already had their sacramental

rites performed, should perform the same for the unmarried girls; and sisters should receive from their brothers the fourth part of their share' (*Yājñavalkya* 2·124); and again—'Until marriage has not been performed, she shall received a share; after marriage she shall be maintained by her husband.'

What this last text means is as follows:—When the property left for the brother and the sister is small, and the fourth part of the brother's share is not sufficient for the sister's maintenance,—in such a case the sister shall enjoy a share equal to her brother's, until her marriage; after which she shall receive the fourth part of the share, even though it be small. And in answer to the question as to how that would maintain the girl, the answer is that 'after marriage she shall be maintained by her husband.'

The term 'brother' in the present text has been explained as standing for the *uterine brother*. But what is the purpose of adding this explanation? As a matter of fact, the term 'brother' without a prefixed qualification is always directly applied to the uterine brother. And the term '*severally*' in the text is also indicative of the same idea.

But in that case the girl that has no uterine brother would have to go without a share in the property; nor could there be any chance for any dowry being provided for her. It might be argued that her step-brother would provide for her. But in the absence of some other text laying down (such a gift), he may not give it.

As a matter of fact, however, the term 'brother' is found to be applied to the sons of the same father and several mothers; and it is only to cousins, maternal and paternal, that the term is applied figuratively. If this view is accepted, it saves us from the contingency of attributing several denotations to the single word 'brother.'

The rule laid down in other Smṛti-texts also supports the allocation of shares set forth in the present text. We read there as follows—'What remains of the ancestral property, after the father's debts have been paid off, shall be divided; other necessary payments also being made out of it, such for instance as the gift to the unmarried girls.' Here we do not find the words 'brother' and 'sister,' which might give rise to the doubt (as to the *uterine* or other kinds of brother being meant).

As regards the term '*severally*' (in the text),—it has been added with a view to guard against the possible interpretation that the fourth part of the share of a single brother should be divided among all the sisters.

It might be argued that—"all that this means is that the brothers would incur sin by not giving out of their shares; and there is nothing to force them to give it." Hence it is added—'*Those not inclined to give would be outcasts.*' A man is spoken of as 'taking' a thing only when he is its owner, and no one speaks of such a thing as 'to be *given* to him;' hence it is that no one speaks of the brothers *giving* to a brother (both being *owners*); and whenever the word 'giving' is used, it is only when the recipient is not the *owner* of the property concerned.—(118)

SECTION (15)—NON-PARTITION OF THE ODD CATTLE.

VERSE CXIX

ONE SHALL NOT DIVIDE AN ODD GOAT, OR SHEEP, OR AN ANIMAL WITH UNCLEFT HOOFS; THE ODD GOAT OR SHEEP IS DECLARED TO BELONG TO THE ELDEST.—(119)

Bhāṣya.

'*Animal with uncleft hoofs*;'—such as the horse, the mule, the ass etc. When the number of cattle available do not admit of division in equal numbers, then the odd animal should be given to the eldest brother; and its value shall not be made good by giving (to the other brothers) other things, nor shall the animal be sold and its value distributed among the brothers equally.

'*Ajāvikam*;'—the singular form is justified on the ground of its being a copulative compound standing for animals.—(119)

SECTION (16) -DETAILED LAWS OF PARTITION AMONG SONS.

VERSE CXX

If the younger brother begets a son on the wife of the elder, the division in that case shall be equal; such is the settled law.—(120)

Bhāṣya.

This verse precludes the idea that the son of the elder brother begotten by the method of 'authorisation' is entitled to the 'preferential share' that would have been his father's.

'*The division in that case shall equal.*'—That is, there shall be no 'preferential share;' nor shall the eldest receive 'one more' (as laid down in 117), or the 'some trifle' (laid down in 115).

It shall be equal:—equal to whom? To that of his begetter—his younger uncle.

The son born without 'authorisation' is not entitled to any share,—as is going to be declared later on.

This text is indicative of the rule that when the brother is not alive, the division shall be between the surviving brother and his nephew.

VERSE CXXI

The Secondary cannot rightly be (equal to) the primary; because in procreation, the father is the primary, therefore he (the secondary) should be treated according to the law (stated before).—(121)

Bhāṣya.

The '*Secondary*'—subsidiary *i.e.*, the '*kṣētraja*' son;—'*to the primary*'—to the legitimate, 'body-born,' '*aurasa*' son,—'*cannot be equal*'—this has got to be supplied,—'*rightly*,' according to law. Hence this cannot be right. That is, it is only the '*legitimate*' son of the elder brother who is entitled to the 'preferential share,' which would have been his father's; while the son in question, the '*kṣētraja*' is only a '*secondary*' son.

"Therefore *he should be treated according to law.*"—The rule of partition stated before.

"But if the son in question also happens to be the eldest, wherefore cannot he obtain exactly what would go to the 'legitimate' son?"

The reason for this is stated:—'*In procreation the father is the primary.*'—The term 'father' here stands for the actual *progenitor*; he is the principal factor in the act of begetting the son. The '*kṣētraja*' son, therefore, being begotten by the younger brother, is *secondary*.

The verse can be explained only by supplying the words 'is not equal to.'

This verse is purely declamatory, supplementing the foregoing prohibition of the 'preferential share;' and since it is declamatory, it may be explained, by attributing any meaning to the terms 'primary' and 'secondary.'

Others read '*tasmād dharmēṇa tam tyajēt.*' ('Therefore one should rightly abandon him).'

But this is not right; since everywhere the '*kṣētraja*' son has been declared to be entitled to an equal share with the other sons.

Then again, since this passage is purely declamatory, it could not be taken as setting forth an optional alternative (to the 'equal share' laid down in other texts).—(121)

VERSE CXXII-CXXIII

'IN CASE THE YOUNGER SON IS BORN OF THE ELDER WIFE, AND THE ELDER ONE OF THE YOUNGER WIFE, —HOW WOULD THE PARTITION BE MADE?'—IF SUCH A DOUBT ARISES,—THE SON BORN OF THE ELDER WIFE SHALL TAKE ONE BULL AS HIS 'PREFERENTIAL SHARE;' THE OTHER BULLS, WHICH ARE NOT SO GOOD, SHALL BELONG TO THOSE WHO ARE JUNIOR TO HIM, ON ACCOUNT OF THE POSITION OF THEIR MOTHERS.—(122-123)

Bhāṣya.

'*Elder wife*'—married first:—'*younger wife*'—one who was married later.

As between the sons born of these wives, the question arises whether 'seniority' shall be determined by the order in which their mothers have been married?—or, by the order in which they were themselves born? Having raised this question, the author answers it in the next verse;—this method being adopted with a view to making the rule more easily comprehensible.—(122)

'*Pūrvajaḥ*'—he who is born of the '*pūrvā*,' the *elder*, wife, though himself *younger* (in age)—is entitled to one excellent bull.

The other bulls that there may be,—'*which are not so good*'—shall be allotted to the other several brothers, one to each.

Hence the 'preferential share' laid down for the son born of the eldest wife consists of the *best bull*;—the superiority of his share consisting only in the *quality* of the bull, not in the *number*.

'*Those who are junior to him*'—*i.e.*, to the son born of the eldest wife.—Junior by what?—'*On account of the position of their mothers*'—*i.e.*, according to the order of

their marriage. Thus the seniority among the sons is determined by the seniority of their mothers, and not by their own age.—(123)

VERSE CXXIV

THE ELDER SON BORN OF THE YOUNGER WIFE MAY TAKE (FIFTEEN COWS WITH) A BULL AS THE SIXTEENTH; THE OTHERS MAY TAKE SHARES ACCORDING TO THE SENIORITY OF THEIR MOTHERS: SUCH IS THE SETTLED RULE.—(124)

Bhāṣya.

This verse puts forward another alternative regarding the 'preferential share' in the case of sons spoken of in the preceding verses.

If the elder son is born of the younger wife, he shall take *fifteen cows*, and a bull as the sixteenth. That the fifteen are meant to be *cows* is indicated by the mention of the *bull*;—the bull needs the cow as its companion.

The '*others*'—the remaining sons—shall take the cows —'*according to the seniority of their mothers*;'—*i.e.*, he whose mother is senior shall take a better cow than the one that is taken by him whose mother is junior.

Or, the verse may be taken as laying down an additional 'preferential share' for the *son born of the elder wife*,—in addition to what has been laid down in the preceding verse. In this case, there would be no '*a*' before the word '*jyēṣṭhāyām*' (which, in the former explanation has been taken as '*ajyēṣṭhāyām*').

It would appear to be necessary to consider what is exactly meant by the expression '*according to the seniority of their mothers.*' But, inasmuch as the two verses (in which the phrase occurs) are purely declamatory, we make no attempt to find out its exact meaning.

What has been said hitherto is only by way of a preface; the settled conclusion is going to be stated now (in the following verse).—(124)

VERSE CXXV

AMONG SONS BORN OF EQUAL WIVES,—IF THERE IS NO OTHER DISTINCTION,—THERE IS NO SENIORITY ON ACCOUNT OF THEIR MOTHERS; SENIORITY IS DECLARED TO BE BY BIRTH ONLY.—(125)

Bhāṣya.

'*Equal*'—of the same caste.—(125)

VERSE CXXVI

IN THE *Subrahmaṇyā* TEXT ALSO, THE INVOCATION HAS BEEN DECLARED AS TO BE DONE BY THE SON WHO IS ELDEST BY BIRTH. BETWEEN SONS CONCEIVED AS TWINS, SENIORITY HAS BEEN DECLARED TO BE DEPENDENT UPON BIRTH.—(126)

Bhāṣya.

This is a declamatory text, supporting the view that seniority is to be determined by birth.

The '*Subrahmaṇyā*' is the name of a *mantra*—text recited by the *Chhandogas* at the *Jyotiṣṭoma* sacrifice,—occurring in the *Aitarēya Brāhmaṇa* (6·3). The plural number in '*Subrahmaṇyāsu*' is due to the multiplicity of verses.

In connection with this mantra, the 'eldest son' addresses the invocation to the father—'Devadatta's father offers the sacrifice.' (Where it is the eldest brother who names himself).

Thus it is 'seniority' by birth that is *real* 'seniority' in the true sense; the 'seniority' based upon the position of the mother is only secondary, figurative.

'*Between sons conceived as twins*,'—those that have been simultaneously conceived—seniority is determined by birth.—(126)

SECTION (17)—PROPERTY OF ONE WHO HAS NO MALE ISSUE : THE 'APPOINTED DAUGHTER'

VERSE CXXVII

HE WHO HAS NO SON MAY MAKE HIS DAUGHTER AN 'APPOINTED DAUGHTER' IN THE FOLLOWING MANNER: [HE SHALL MAKE THE DECLARATION]—'THE CHILD THAT MAY BE BORN OF HER SHALL BE THE PERFORMER OF MY FUNERAL RITES'.—(127)

Bhāṣya.

'*The child that may be born of this girl shall be the performer of my funeral rites.*'—The term '*svadhā,*' stands for the *Shrāddha* and the other after-death rites; it is not necessary that this shall be the exact formula uttered. Says Gautama (28·18)—'The father, having no son, shall offer sacrifices to Agni and Prajāpati, and shall give away the appointed daughter, stipulating that *the child shall be for me.*'—The opinion of some people is that the daughter becomes *appointed* by mere intention, (28·19); from which it is clear that the daughter becomes 'appointed' even without the pronouncement of any definite formula.

"In the absence of a distinct stipulation, even though the intention may be present in the father's mind, yet, until it has been clearly declared, the son-in-law may not agree (to surrender the child)."

It is in view of this that the text says—'*Shall make his daughter an appointed daughter.*'—(127)

VERSE CXXVIII

IN ANCIENT TIMES *Dakṣa Prajāpati* HIMSELF MADE 'APPOINTED DAUGHTERS' IN THIS SAME MANNER, FOR THE PURPOSE OF MULTIPLYING HIS RACE.—(128)

Bhāṣya.

Prajāpati Dakṣa, who was fully conversant with the law relating to the procreation of offspring, is here cited as an example.

This is a declamatory assertion of the nature of '*Parakṛti*,' 'Tradition' of Practice.—(128)

VERSE CXXIX

HE GAVE TEN TO DHARMA, THIRTEEN TO KASHYAPA, AND TWENTY-SEVEN TO KING SOMA,—HAVING HONOURED THEM WITH AN AFFECTIONATE HEART.—(129)

Bhaṣya.

'*Having honoured*'—This act of 'honouring' is what is enjoined here.

People have held that the mention of 'ten' and more daughters is indicative of the fact that one may have more than one 'appointed daughter.'—(129)

VERSE CXXX

THE SON IS AS ONE'S OWN SELF, AND THE DAUGHTER IS EQUAL TO THE SON; HENCE SO LONG AS SHE IS THERE IN HER OWN REAL CHARACTER, HOW CAN ANYONE ELSE TAKE HIS PROPERTY?—(130)

Bhāṣya.

It has been said that the father shall declare—'The child that is born of her shall be mine;' and a man'

child inherits his porperty; so that at the time that the father dies, if the daughter has got no child, it would seem that she cannot inherit his property; it is in view of this that the present text lays down that she shall inherit it.

'*So long as she is there in her own real character*'—of being meant to provide a son.

Or, it may mean—'while the father's own self is there, in the shape of the daughter.'

'*The daughter is equal to the son.*'—Though the text uses the generic term 'daughter,' yet from the context it is clear that it is the 'appointed daughter' that is clearly meant.—(130)

VERSE CXXXI

WHATEVER MAY BE THE SEPARATE PROPERTY OF THE MOTHER IS THE SHARE OF THE UNMARRIED DAUGHTER ALONE; AND THE DAUGHTER'S SON SHALL INHERIT THE ENTIRE PROPERTY OF THE MAN WHO HAS NO SON.—(131)

Bhāṣya.

The term '*yautaka*' is applied to the separate porperty of a woman; of which she alone is the sole owner.—Others apply it to only what she receives at marriage, and not to all that belongs to her; as it is only over the former that she has an absolute right; as it is said that 'women become their own mistresses, on obtaining presents at their marriage.'

Others again hold that the term '*yautaka*' applies to the savings that the young woman makes out of what she receives from her husband for her clothing and ornaments, and also for the daily household expenses.

'*Is the share of the unmarried daughter only.*'—Since the text adds the qualification 'unmarried,' it is clear that what is said here does not apply to one who has been married. Further, the term '*eva*,' 'only,' referring to what is well known, sets aside the implications of the context; consequently, what is said here (regarding the mother's property) cannot apply to the 'appointed daughter' (who would be *married*).

Gautama—after having declared that 'the woman's property descends to her children' (28·24)—adds—'To her daughters who are unmarried and unsettled;' where 'unsettled' stands for those who, though married, are childless, and without any property of their own, not having obtained a footing in the house of their husbands.

'*The grandson alone is to inherit*'—the entire property of the man who dies without a legitimate son. What would be the share of the grandson, when the man dies leaving a legitimate son, shall be declared later on.

'The term '*grandson*' stands for *the son of the appointed daughter*, in the present sentence only, not throughout the context; as it is only in connection with the 'mother's separate property' (mentioned in the first half of the verse) that there is any authority for rejecting the implications of the context (which refers to the *Appointed Daughter*).—(131)

VERSE CXXXII

THE DAUGHTER'S SON SHOULD INHERIT THE ENTIRE PROPERTY OF THE SONLESS FATHER; HE SHALL ALSO OFFER TWO CAKES—TO THE 'FATHER' AND TO THE 'MATERNAL GRANDFATHER.'—(132)

Bhāṣya.

That the son of the Appointed Daughter shall inherit the entire property of the father having been already laid down in the foregoing verse, the present verse has been explained by some people as laying down the necessity of offering the two cakes, with reference to the said 'daughter's son.' And according to these people the reading is '*harēt yadi*,' 'if the son of the Appointed Daughter inherits, etc., etc.'

According to this view, the offering of the cakes would be incumbent only in the event of the man inheriting the entire property; so that he need not offer the cakes in the event of his receiving an 'equal share' (as laid down under 134 below). If this were not the meaning, then there would be no point in the injunction, if the *offering of cakes*, which would be already indicated by the general law that 'one shall make offerings to him from whom he receives anything.' And in that case any reference to the inheriting of the '*entire* property' would be absolute purposeless.

This explanation however cannot be right. What is meant is that he 'shall inherit the property of the sonless father;' and '*aputrasya pitur harēt*' is the long-accepted reading also. The term 'father' also is known to apply to the actual *progenitor*, and not to the *maternal grandfather*. Hence what is meant is that 'if the husband of the *appointed daughter* has no son from any other wife, but has one from the *appointed daughter*, then this same son shall be the son for his own father, as also for his mother's father.' If however, the progenitor has sons from his other wives, then the son born of the 'appointed daughter' shall neither inherit the property of, nor offer cakes to, him;—even though he may be born of a mother belonging to the same caste as his father. The relation of the 'progeny and progenitor' is different from that of 'father and son.' Even though the 'fathers' of '*Kṣētraja*' and some other kinds of son, are not their 'progenitors,' yet they are regarded

as having those as their 'issue'; while the fathers of the 'purchased,' and the 'abandoned' sons, even though their actual 'progenitors,' are not regarded as having them as their 'issue'; as happened in the case of Ajīgarta and other persons (who sold their sons to other persons). In the definition of the '*Aurasa*' 'legitimate,' son (9.166), we find the words '*in his own* soil'; and in the case of the 'appointed daughter' the 'soil' belongs to her father;—her husband being only one who has wedded her and as such, is entitled to obedience and service.

For these reasons, the conclusion should be as follows:—In a case where the husband of the 'appointed daughter' has no other sons, the son of the 'appointed daughter' shall inherit his entire property, and also offer funeral cakes to him. If however the father has sons from other wives, him the son of the 'appointed daughter,' shall not offer cakes to his father.

Such a son is called '*daughter's son*,' *i. e.*, the son of the *appointed daughter*. In the case of the grandfather also, the same principle applies as that in the case of the father;—that is, he shall offer the cake to him whose property he inherits; and not in any other case. As a matter of fact, the injunction that 'he shall offer the cakes when he inherits the entire property' does not necessarily imply that there should be no offering in other cases. Because there being no reference to the father and the grandfather, any such implication would be of the nature of 'preclusion.' If there were an implication, even in the absence of such a reference, the deduction would be that offerings should be made to both. So that the meaning would be that—'just as cakes are offered to the father and the maternal grandfather, so should they be offered also to the paternal grandfather and the maternal great-grandfather, the two ancestors above the former two respectively. —(132)

VERSE CXXXIII

In this world, between the son's son and the daughter's son there is no difference, in law; for the father and mother of each of them were both born of his own body.—(133)

Bhāṣya.

This is a declamatory supplement to what has gone before.

"Why is there no difference?"

'*Because the father and mother etc., etc.*'—(133)

VERSE CXXXIV

But if a son happen to be born after the daughter has been 'appointed,' the division must be equal; as there is no seniority for the woman.—(134)

Bhāṣya.

The division shall be equal,—there shall be equal shares, with the son thus born.

This precludes the 'preferential share.'

'*There is no seniority for the woman.*'—The 'seniority' precluded is in regard to the share of inheritance only, and not in regard to the treatment to be accorded to her.—(134)

VERSE CXXXV

If the appointed daughter happen to die without a son, the husband of that appointed daughter may, without hesitation, take that property.—(135)

Bhāṣya.

So far it would appear that the husband of the Appointed Daughter who has had no issue, has nothing to

do with the property in question; hence the present text lays down his connection with it.

In this connection there arises the question:—"Does the Appointed Daughter become 'sanctified' by marriage or not? If she *is* sanctified, then she becomes a *wife*; as 'marriage' consists in 'making a wife.' And in that case her property naturally reverts to her husband (?). If, on the other hand, she is *not* sanctified by the marriage,—then, as she would still continue to be a *maiden*, her husband's intercourse with her would be of the nature of having intercourse with an unmarried maiden, and would be a direct contravention of the rule that one should always remain attached to his own wife."

You may take it any way you choose. (?)

"But in that case the present verse becomes meaningless."

There is no force in this objection. In order to complete the usefulness of the verse, it should be taken as meant to set aside the notion that 'just as the child born of the Appointed Daughter does not belong to her husband, so would her property also not be inherited by him.' As a matter of fact, again, there are several verses in the work of Manu that are purely declamatory.

Or, (for the sake of argument) it may be said that the Appointed Daughter is *not* sanctified by Marriage. Even so, intercourse with her would not mean intercourse with a maiden.—"How so?"—Because all that is meant is that the child born of her shall belong to its mother's father; and any consideration of extraneous matters is entirely out of place.(?) Then again, the act of the husband of the Appointed Daughter is not among those that make one an 'outcaste' (as it would, if it meant intercourse with a maiden).

Further, is the argument that 'it means intercourse with a maiden' urged on the understanding that the name

'maiden' stands for the *remarried widow*? As a matter of fact, there are three kinds of 'maidens'—(1) one who has had no sexual intercourse with a male, (2) one who has dedicated herself to lifelong service of temples, and (3) one who is still a child. Now, if the objector understands the term 'maiden' as standing for one who has had no sexual intercourse, then, the first intercourse that the husband has with his married wife would also be 'intercourse with a *maiden*.' In the present treatise, the term '*kanyā*,' 'maiden,' is generally used in the sense of 'one who has had no sexual intercourse with a male.'

If the term 'maiden' be taken to stand for *one for whom the sacraments have not been performed*,—that cannot be right; as words expressive of that would be forthcoming at the very outset (?) In fact, it is only on the strength of other authorities that the term is taken figuratively as standing for the said person (?) It has been said that—'all the sacred texts used at marriage are applicable to maidens only, and never to non-maidens, because the latter are such as have fallen off from all religious rites' (8.226); and the mention of 'falling off from religious rites' is clearly indicative of the fact that the girl who has had intercourse with man is a 'non-maiden'; and obviously, she who has not had such intercourse is a 'maiden.' In all these cases the 'rites' referred to are those that are done in accordance with the direct signification of the term 'maiden.' Now the question arises whether this is so in the case of all 'rites,' or only in those in regard to which there are other authorities? Now, as regards the son called '*maiden-born*' '*Kānīna*,' the very name indicates that the girl is still under her father and is devoid of the sacramental rite (of marriage). If the name indicated only *the absence of religious rites*,—*i.e.*, if the name 'maiden-born' applied to the child not born of lawful wed-lock,—then the son of the *married* woman also, begotten by men other than her husband, would be 'maiden-born.' On the other hand, if the mame indicated the *ownership of the*

father only, then the daughter of the Appointed Daughter also would come to be called 'maiden-born'.

It has been said above that intercourse with the 'maiden' involves the transgression of the law that one should have intercourse with his '*wife*' only. But this law does not mean that 'one should not have intercourse with women other than his wife,' or that 'he should not love another woman or another wife.' Because if it meant that, then all this prohibition being already contained in this law, any separate prohibition of 'intercourse with the wives of others' would be entirely superfluous. What the said law does mean is that 'the man shall cherish love for his wife,'—the cultivating of the feelings of love being conducive to great happiness. (?) The passage —'One should not cherish desire for any woman, nor the wife of another man, as by avoiding this he falls not off from virtue'—is a mere reiteration. Or, it may only mean the injunction that 'while remaining attached to his own wife, one should avoid intercourse with her on the sacred days.' Even so, the injunction would be only supplementary to another. Nor would the case in question fall within the prohibition of intercourse with '*another's wife*'; because so long as she has not been married, she cannot be called 'wife.'

Now what is the right course to adopt?

The right course is that the girl (Appointed Daughter) should not be wedded by any person. There are eight forms of marriage; they have been styled '*Brāhma*' and the rest, in accordance with the nature of the manner of acceptance involved in each; and in the case of the Appointed Daughter, there is no 'acceptance' (*or making own*); as in her case, the ownership of the girl's father does not cease. Further, the very prohibition regarding the marrying of a brotherless girl implies that one should not marry the 'Appointed Daughter.' It is said for instance that—'one should not marry a brotherless girl, as her son belongs to her father' (*Gautama*, 28.20). This prohibition occurs in a special context; and the trangression of this

would make the marriage lose its true sacramental character; just as the marrying of a *Shūdra* girl by a Brāhmaṇa deprives his 'fire' of the '*Āhavanīya*' (sacrificial) character.

Mere prohibition however of a certain marriage does not necessarily deprive it of its sacramental character. In many cases, for instance, people marry the 'tawny girl,' and several such others as are forbidden; and with the assistance of those wives they do carry on their religious duties. But if the girl belongs to the same *Gotra* or *Pravara* as her husband's, then, even though she has been '*married*,' she cannot fulfill the duties of the 'wife' for him. It is in view of this fact that in connection with the rule that—'one should not marry the tawny girl etc., etc.,'—some people have held that the prohibition, pertains to the *visible* disabilities, and hence it does not stand on the same footing as the prohibition of the marrying of a '*sapiṇḍa*' girl; though both the prohibitions occur in the same context.

"Wherefore then is there any prohibition as to the case of the Appointed Daughter falling under Marriage?"

Because as a supplement to the said prohibition, there is the assertion 'because the child belongs to the father.'

Thus then, it is only in so far as the obtaining of children is concerned that the Appointed Daughter cannot be one's 'wife'; she is fully entitled to assist as 'wife' in all that relates to sacred duties, property and pleasure.

This may be so; yet, inasmuch as she cannot become the man's *own*, there can be no real *marriage* (which implies *ownership*).

"In that case the son of the Appointed Daughter would be 'maiden-born.' Because he would not belong to his progenitor; he being the child of parents not lawfully wedded. If however, the marriage of the Appointed Daughter *is* of the nature of a 'sacrament,' the child fulfills both conditions—that of belonging to his progenitor and being born of duly hallowed wed-lock. And if he fails

in only one of those two conditions, he is still different from the 'maiden-born.'"

Our answer to the above is as follows:—The character of the 'maiden-born' son is not present in the son of the Appointed Daughter.

The definition of the 'maiden-born' is thus stated—'A son whom a maiden secretly bears in her father's house, one should call *maiden-born* by name; and the child born of the maiden belongs to the man who marries her' (9.172). And the meaning of this is as follows.—'If a son fulfills these conditions, he shall be regarded in this treatise as *maiden-born*; and the question arising as to the person to whom such a son belongs, the text adds, as an additional sentence, that 'the child born of the maiden belongs to the man who marries her.' Or, this text may be taken not as defining the particular kind of son, but simply as declaring his *relationship*;—the sense being that 'the maiden-born son should be regarded as related to the person who marries the girl'; so that the whole text forms one connected sentence. As a matter of fact, relationship varies with variations in the persons concerned and the attendant circumstances,—such for instance, as while the one (the maiden-born) is begotten *secretly*, the other (that of the Appointed Daughter) is begotten openly.

Thus the idea that the text quoted supplies the definition of the 'maiden-born' son should be regarded as repudiated. It only points out that the child is 'maiden-born'....(?)

Others however have declared that the *Smṛti* text itself has a special bearing; the name 'maiden-born' is not applied to every child of an unmarried 'maiden'; it applies only to such a child as has been defined by Manu.

This view also we accept. (??)—(135)

VERSE CXXXVI

EITHER APPOINTED OR NOT APPOINTED, IF A DAUGHTER BEARS A SON TO A HUSBAND OF EQUAL STATUS, THROUGH THAT SON DOES THE MATERNAL GRANDFATHER BECOME ENDOWED WITH A 'SON'S SON'; HE SHALL OFFER THE FUNERAL CAKE AND INHERIT HIS PROPERTY.—(136)

Bhāṣya.

By duly considering what has gone before and what follows next, it is clear that the present verse also refers to the Appointed Daughter.

It has been said that the son of the *unappointed* daughter also is entitled to the property of his maternal grandfather; how much more so is the son of the Appointed Daughter entitled to it?—This is the idea meant to be expressed. The verse cannot be taken as laying down the title of the grandson to the property of the maternal grandfather; for if such a general principle were recognised, then there would be no need for the institution of the 'appointed daughter' at all.

"But in another Smṛti text it is found to be laid down that it is incumbent upon every daughter's son to offer the cake to his maternal grandfather:—'so also on behalf of the mother's fathers' (*Yājañvalkya*, 1.228). And in the present verse also, if we ignore the fact of its occurring in a context dealing with the 'appointed daughter,' and bear in mind the words of the text itself, it appears only reasonable to take, as pertaining to every daughter's son, the injunction regarding 'the offering of cakes and the inheriting of property.' In another text also, it has been declared that 'the *daughter's son* shall take the entire property etc., etc.' (*Manu*, 9.132)."

Our answer to the above is as follows:—In the text quoted from Yājñavalkya, we find the term 'mother's *fathers*'

in the plural; now does this refer directly to the individual 'father,' or indirectly to the 'mother's *grandfather*' and other ancestors? In the former case, it would mean that the offering is to be made to the *maternal grandfather* only, just like the ordinary '*Shrāddha*' and other offerings; and this would be wrong, after the '*Sapiṇḍīkaraṇa*' has been done (which has unified the mother's father with her grandfather and great-grandfather); since it has been declared that 'after the Sapiṇḍīkaraṇa one shall offer cakes to all the three.' If it be held that the *Sapiṇḍīkaraṇa* rite itself may not be performed. But this also could not be; as the performance of it is nowhere forbidden. As for 'indirect' indication, it can be justified only under very special circumstances; and then too it must be in consonance with the direct declaration of *Shruti texts*. And it is only in very special circumstances that a text can be entirely separated from the context in which it occurs; as is found to be the case in regard to the ''Twelve Upasads.' (*Mīmā. Sū.* 3.3.15—16).

As for the epithet '*not appointed*,' it has been already explained that it means something quite different.

For all these reasons, the verse must be taken as referring to *the son of the Appointed Daughter* only.—(136)

VERSE CXXXVII

THROUGH THE SON ONE CONQUERS THE WORLDS, THROUGH THE GRANDSON HE OBTAINS IMMORTALITY, AND THROUGH THE SON'S GRANDSON HE ATTAINS THE REGIONS OF THE SUN.—(137)

Bhāṣya.

'*Through the son*'—when born,—*i.e.* through the help rendered by him—'*one conquers*'—wins—'*the worlds*'—the ten 'sorrowless regions,' Heaven and the rest. That is he becomes born in those regions.

Similarly '*through the grandson, he obtains immortality*'—*i.e.*, long residence in those regions.

'*Through the son's grandson he attains the regions of the Sun,*'—*i.e.*, he becomes effulgent and is not bedimmed by any sort of darkness.—(137)

VERSE CXXXVIII

BECAUSE THE SON DELIVERS HIS FATHER FROM THE HELL CALLED 'PUT,' THEREFORE HAS HE BEEN CALLED 'PUTRA,' 'DELIVERER FROM PUT,' BY THE SELF-EXISTENT ONE HIMSELF.—(138)

Bhāṣya.

This is a declamatory supplement to the Injunction of begetting children.

'*The hell called Put*'—is the name given to the four kinds of elemental life on the Earth. And from this is the father delivered by his son, as soon as he is born; which means that he is born next in a divine life.

It is for this reason that he is called '*Putra,*' 'Deliverer from Put.'—(138)

VERSE CXXXIX

BETWEEN THE SON'S SON AND THE DAUGHTER'S SON THERE IS NO DIFFERENCE IN THE WORLD; SINCE THE DAUGHTER'S SON ALSO, LIKE THE SON'S SON, SAVES THE MAN IN THE NEXT WORLD.—(139)

Bhāṣya.

Here also the term 'daughter's son' is to be understood as standing for the *son of the Appointed Daughter*.

'*The daughter's son, like the son's son, saves the man in the next world*';—this is purely declamatory;—the fact having been already enjoined before (in 133).

Between these two '*there is no difference*';—in the case of one (the son's son), it is the mother, while in that of the other (the daughter's son) it is the father, that belongs to another family. Hence the daughter's son also delivers one from the aforesaid *Put-hell*.—(139)

VERSE CXL

THE SON OF THE APPOINTED DAUGHTER SHALL OFFER THE FIRST CAKE TO HIS MOTHER, THE SECOND TO HER FATHER AND THE THIRD TO HIS FATHER'S FATHER. —(140)

Bhāṣya.

It has been declared (132) that 'he shall offer the cake to his father and *to his maternal grandfather*'; where the offering of the cake by the son of the Appointed Daughter to his maternal grandfather has been enjoined; and this is a totally different kind of offering laid down for him.

'*The first cake he shall offer to his mother*,'—the second to her father.

Some people read '*pitustasya*,' '*his* (not *her*) *father*.' And those who accept this reading offer the cake to the Appointed Daughter, and then to the *progenitor*, and then the third to the progenitor's father.

In accordance with this view there would be no offering laid down for the maternal grandfather.—(140)

SECTION (18)—ADOPTION

VERSE CXLI

If one has an adopted son endowed with all good qualities, he shall inherit his property, even though he may have come from another family.—(141)

Bhāṣya.

Under 9.185, it is said—'Sons, and not brothers or fathers, are the inheritors of the father's property'—where all sons are declared to be entitled to inheritance. So long as the 'legitimate' son is alive, the '*Kṣetraja*' and other sons are entitled to maintenance only:—'The legitimate son alone is the sole master of the entire paternal property; for the others he shall, as an act of kindness, provide for subsistence,'—says Manu (9.163). Thus then the fact of the adopted son inheriting the father's property is already established; the present text therefore is meant to indicate that he is so entitled, even when the legitimate son is there. If it did not mean this, there would be no point in the verse at all.

The question that arises is—what shall be the share of the adopted son?

Some people hold that, since nothing particular has been laid down, the share shall be equal to that of the legitimate son.

This however is not right. If shares had been meant to be equal, then this would have been clearly stated, as it has been in the case of the son of the Appointed Daughter (under 9.134). Hence it follows that, as in the case of the *Kṣetraja* son, so here also, the share shall be the sixth or eighth part (of that of the legitimate son).

In this connection there is something to be said. Just as the author has declared the share of the *Kṣētraja* son to be 'the sixth part' (9. 164), that of the 'adopted' son also would have been prescribed (if it were so intended).

Thus then, the real purport of the reiteration contained in the present verse has got to be found out.

Our revered teacher explains as follows:—The idea provided by the present verse is that, inasmuch as no particular share has been specified, the share of the adopted son should be understood to be less than that of the *Kṣētraja*; and he cannot go without a share; nor is he entitled to a share equal to that of the *legitimate son*, or to that of the *Kṣētraja* son.—(141)

VERSE CXLII

THE ADOPTED SON SHALL NOT TAKE THE FAMILY-NAME OR THE PROPERTY OF HIS PROGENITOR; THE CAKE FOLLOWS THE FAMILY-NAME AND THE PROPERTY; FOR HIM THEREFORE WHO GIVES AWAY HIS SON THE FUNERAL OFFERINGS CEASE.—(142)

Bhāṣya.

It is only right that the adopted son should have a share in his adoptive father's property; since he does not inherit either the family-name or the property of his progenitor; and this for the simple reason that he has gone out of the family.

Inasmuch as he does not inherit the family-name and the property of the progenitor, he does not offer cakes to him; since '*the cake follows the family-name and the property*';—that is, a son offers the funeral cakes etc., to that preson whose family-name and property he inherits.

'*Ceases*'—drops away from him.

'*Svadhā*';—this syllable stands for that which makes the use of the syllable '*svadhā*' possible;—*i. e.*, the *Shrāddha*

and other offerings. And when a man gives away his son to another man, these offerings cease for him; that is, they should not be offered to him.

This law applies to the 'made' and other kinds of sons,—*i.e.*, 'the one conceived before marriage,' the 'cast off,' and 'the one who benefits both.'

Others construe '***harēt***' as implying the causal form '***hārayēt***', 'should deprive'; which means that the adopted son shall benefit both fathers.

But the fact of the matter is that the verse opens with the *relinquishing of privileges*; so that consistently with that, the latter half also should mean that 'no cake shall be offered'; *i.e.*, the father also shall relinquish his privilege of receiving the cakes.

In the face of these facts, some authority will have to be found for attributing a different meaning to the words ('***harēt***' and the rest).—(142)

———

SECTION (19)—SONS NOT ENTITLED TO A SHARE IN THE PARENTAL PROPERTY

VERSE CXLIII

THE OFFSPRING OF A WIFE NOT 'AUTHORISED,' AND THE OFFSPRING OBTAINED FROM HER YOUNGER BROTHER-IN-LAW BY A WOMAN WHO HAS ALREADY GOT A SON,—BOTH OF THESE ARE UNDESERVING OF A SHARE; ONE BEING BORN OF AN ADULTERER, AND THE OTHER BEING THE PRODUCT OF LUST.—(143)

Bhāṣya.

It has been declared above that, when the husband dies without male issue, the wife should obtain the sanction of her elders for the begetting of a son. And this same declaration is reiterated here.

If a woman is '*not authorised*' by her elders, and yet being anxious for a son, begets one,—under the impression that she being the 'soil' of her husband, the son born of her would be his '*Kṣetraja*' son and thus entitled to inherit his property,—a son born in this manner shall not inherit his father's property; because a son is called '*Kṣetraja*' only when he is born in the manner expressly laid down in the scriptures; and it is only then that he inherits the property of the 'owner of the soil' (his dead father). It is for this reason that the present verse denies the *inheriting capacity* of the son born of the woman not duly 'authorised;' but it does not forbid the offering of the funeral cake; even though the son is one born of an 'outcast' woman.

Narada (13·19 *et. seq*) lays down a special rule—'Those that are born from an unauthorised woman, either by one or by several men, are not entitled to the property of their father; being, as they are, the sons of the persons from whose seed they have been born;— they shall offer the cake to the person from whose seed they are born, specially if the mother has been obtained by the payment of the nuptial fee; if however the mother has not been obtained by the payment of the fee, they shall offer the cake to the person who had wedded their mother.'

The text uses the term '*suta*,' '*offspring*' (instead of '*putra*' son), because the child referred to is not born in accordance with the law relating to the 'adopted' and other sons, and is, on that account, not mentioned among 'sons.' Among the twice-born people the issues of one's mere 'seed' (and not of lawful wedlock) are entitled to mere subsistence, and not to the inheritance of property; specially as in connection with all kinds of sons it has been declared that 'on the death of their father the sons shall divide among themselves the property of their father, left over after the performance of the necessary religious rites; and they are all entitled to maintenance.' Thus it is the duty of the Legitimate son to provide for the maintenance of the unlawfully-begotten sons; but these latter are not entitled to any inheritance in the property; specially because inheritance has been declared to belong to those particular kinds of sons that have been specially enumerated: We read (in 9·162) of 'the *two* heirs' (where only *two* sons are spoken of as 'heirs').

From what is said here it follows that 'the issue of the unauthorised woman,' not entitled to the property of his lawful father, does become a sharer in that of the person from whose seed he is born; and the share in this case would be just enough for his subsistence.

Then again, as the woman has been obtained at a price, she is a 'slave,' and the son 'slave-born;' and as such, he is entitled not to a share in the property, but to mere subsistence.

Others have held that, even though the woman may not be a regular 'slave' (in the technical sense), she is a servant all the same, since the servant is always employed for doing a definite work; *e.g.*, the bath-man, the toilet-man, the cook and so forth; the woman kept for pleasure also is employed for a definite work,—and is fed and clothed; and hence she is as good as a servant.

Similarly also in the case of the woman who has already got a son, if the son is alive, and yet she obtains a son from her younger brother-in-law, even on 'authorisation.'

"But how can there be 'authorisation' in the case of a woman who has already got a son?"

It is the brother-in-law who may be 'authorised' for the purposes of pleasure, under the pretext of begetting a son.

As a matter of fact, both of these are 'born of an adulterer;' the one born of a woman who has already got a son is, in addition, also 'the product of lust.' In the case of the former the action is prompted entirely by a longing for a son, and not by lust.—(143)

VERSE CXLIV

The male child of an 'authorised' woman, if not begotten in the prescribed manner, is not entitled to the paternal property; as he is procreated by outcasts.—(144)

Bhāṣya.

'***Not in the prescribed manner***;'—*i.e.*, not wearing the white dress and observing such details.

He is not entitled to the property; *i.e.*, he shall not be treated as the '***Kṣētraja***' son.

The brother-in-law and the sister-in-law are both rightly regarded as 'outcastes,' on account of their having not obeyed the restrictions, in the begetting of the son; since what is permitted by the scriptures is only such intercourse as is done in strict accordance with the rules laid down.—(144)

SECTION (20) STATUS OF THE SON BORN BY 'AUTHORISATION'

VERSE CXLV

The son born of the 'authorised' woman shall inherit, like the 'legitimate' son; as legally that seed is of the owner of the soil and the offspring belongs to him.—(145)

Bhāṣya.

'*Like the legitimate son*';—this has been enjoined here with a view to permit the 'preferential share' ordained for the eldest brother; as no other 'equality' is possible (between the two kinds of sons). What the present rule premits is the 'preferential share' for the '*Kṣētraja*' son born of the eldest wife. To this extent, this is a exception to 'the equal shares' laid down in verse 121. And since both the rules are equally authoritative, they must be treated as optional alternatives,—the adoption of the one or the other being dependent upon the qualifications of the persons concerned. Apart from this there would be no purpose in this verse; as all that is herein stated has been already laid down elsewhere.

'*That seed is of the owner of the soil*,'—because it serves his purposes. This is purely commendatory; hence it is added '*legally*'—*i.e.*, according to the law.

Another reason for this lies in the fact that the '*child*' —which is the visible embodiment of the seed—belongs to the owner of the soil.

This verse is purely declamatory.—(145)

VERSE CXLVI

HE WHO PROTECTS THE WIFE AND PROPERTY OF HIS DEAD BROTHER SHALL BEGET A CHILD FOR THAT BROTHER AND GIVE HIS PROPERTY TO THAT CHILD. —(146)

Bhāṣya.

This rule refers to the case where the dead brother was one who had separated from the surviving brother; while the preceding verse was meant for that where the two brothers lived together. This is the only difference between this and the foregoing rules.

'*Shall beget a child for that brother*'—*i.e.*, by the mode of 'authorisation.'

'*Shall give the property to that child*;'—nor to its mother.

It is in accordance with this principle that women are entitled to *maintenance*, and not to *ownership* of properties; as they are taken care of in other ways.

'*His property*'—*i.e.*, the property of the separated brother.—(146)

VERSE CXLVII

IF A WOMAN, WITHOUT BEING 'AUTHORISED,' BEARS A SON EITHER TO HER BROTHER-IN-LAW OR TO SOME OTHER PERSON, THAT SON THEY DECLARE TO BE 'LUST-BORN,' 'INCAPABLE OF INHERITANCE' AND 'BORN IN VAIN.'—(147)

Bhāṣya:

Before '*niyuktā*,' there should be an '*a*' (coalescing with the '*ā*' in '*yā*'); for otherwise (if the word meant 'authorised') the present verse would be contrary to what has gone in the preceding verse. It night be argued that with '*aniyuktā*,' 'not authorised,' this would be a needless repetition of what

has gone before. But such superfluity can be, and has been, explained.

The older writers however do not accept the reading '*aniyuktā*,' 'not authorised.' And according to them the text is to be explained as meaning that 'the son born of the *authorised* woman also is not entitled to the paternal property.'

'*Lust-born*,'—even when the man acts under 'authority,' there is always a certain amount of '*lust*' involved, hence the child is called 'lust-born.'

'*Born in vain*;'—this means that he is incapable of accomplishing the purpose for which he was begotten.

This verse turns out (according to the older writers) to be a denial of the title to inheritance declared before (in 147); and hence an option has been accepted in this case.

Our revered teacher however declares that if we read '*aniyuktā*,' 'not authorised,' the two texts become reconciled.—(147)

VERSE CXLVIII

THIS RULE SHOULD BE UNDERSTOOD AS APPLYING TO PARTITION AMONG SONS BORN OF WIVES OF THE SAME CASTE; LISTEN TO THAT APPLYING TO THAT AMONG SONS BORN TO ONE MAN OF SEVERAL AND DIVERSE WIVES.—(148)

Bhāṣya.

'*Sons born of the wives of the same caste*.'—Sons born of mothers of the same caste as the father are entitled to inherit the whole property.

'*Born of diverse wives*';—*i.e.*, of wives belonging to diverse castes.

This is what is now going to be expounded.

'*Several*'—this is a mere reiteration.

Others however attach special significance to this epithet ('several') also; the sense being that in the case of partition among sons born of *several* wives belonging to diverse castes, the rule is as going to be set forth (in 153),—*viz.*, 'The Brāhmaṇa son shall take four shares etc., etc.' As for a *single* wife of a *different* caste,—no man ever has recourse to any such; hence she does not count in the present connection.—(148)

SECTION (21)—SHARES OF SONS BORN OF MOTHERS OF DIVERSE CASTES

VERSE CXLIX

IF TO A *Brāhmaṇa* THERE BE FOUR WIVES IN DUE ORDER,—FOR PARTITION AMONG THE SONS BORN OF THESE, THE RULE HAS BEEN DECLARED TO BE AS FOLLOWS.—(149)

Bhāṣya.

'*Order*;'—this refers to what has been said in Discourse III.

This verse also is a brief indication of what follows.—(149)

VERSE CL

THE PLOUGHMAN, THE BREEDING BULL, THE CONVEYANCE, THE ORNAMENT, AND THE HOUSE SHALL BE GIVEN AS THE 'PREFERENTIAL SHARE' TO THE *Brāhmaṇa*, AS ALSO ONE PRINCIPAL SHARE.—(150)

Bhāṣya.

'*Kīnāsha*, '*ploughman*',—the slave who tills the soil. Says the *mantra text*—'*Indra āsīt surapatiḥ, kīnāshā āsanmarutaḥ, yathāsutam kīnāshā abhiyantu vāhaiḥ*'

'*Conveyance*'—cart and the rest.

'*Ornament*'—the ring or some such ornament worn by the father.

'*House*'—the principal apartment.

'*One principal share*';—among the several shares into which the property may be divided, the most important of these shall go to the *Brāhmaṇa* son.

All this should be set aside as the 'preferential share' for the 'eldest' son, and the rest of the property should be divided according to the rule going to be laid down. —(150)

VERSE CLI

OUT OF THE ESTATE THE *Brāhmaṇa* SHALL TAKE THREE SHARES; THE SON OF THE *Kṣattriya* MOTHER TWO SHARES; THE SON OF THE *Vaishya* MOTHER A SHARE AND A HALF; AND THE SON OF THE *Shūdra* MOTHER ONE SHARE.—(151)

Bhāṣya.

Though the text has used the singular number throughout, yet the rule here laid down applies also to the case where there are two or more sons of each caste, who are entitled to equal shares. In a case however where the number of sons of the different castes is not the same, the rule is as set forth in the next verse.—(151)

VERSE CLII

THE MAN KNOWING THE LAW SHALL DIVIDE THE ENTIRE ESTATE INTO TEN PARTS, AND THEN MAKE AN EQUITABLE DIVISION ACCORDING TO THE FOLLOWING RULE. —(152)

Bhāṣya.

'*Estate*'—property.

'*Equitable*'—in accordance with law.

On the strength of the declaration contained in the forthcoming verse some people do not accept the division mentioned above.—(152)

VERSE CLIII

THE *Brāhmaṇa* SHALL TAKE FOUR SHARES, AND THE SON OF THE *Kṣattriya* MOTHER THREE SHARES; THE SON

OF THE *Vaishya* MOTHER SHALL TAKE TWO SHARES, AND THE SON OF THE *Shūdra* MOTHER SHALL TAKE ONE SHARE.—(153)

Bhāṣya.

Though the shares of the *Kṣattriya* and other sons have been set forth here in an unqualified form, yet in another *Smṛti*, in connection with certain particular kinds of property, we find a totally different form of division :—(1) 'The land acquired from gifts shall not be given to the son of the Kṣattriya mother, and (2) if any such land happen to have been given by the father to these, it shall be taken by the Brāhmaṇa son on the father's death.'

Since this specifies the land 'acquired from gifts,' that acquired by purchase and other means do not become similarly excluded. Elsewhere again we read—.'The son born to a Brāhmaṇa from his *Shūdra* wife is not entitled to a share in landed property,' which precludes the *Shūdra* son from all kinds of lands.

All this restriction should be understood to apply to those cases where there are other forms of property also; otherwise, we would be faced by the law relating to 'the tenth part of a share.' If there were no other property, the sons in question would be left without any subsistence.

What I hold however is that though the allotment of shares (under the circumstances mentioned in the Smṛti texts quoted) is negatived, provision for subsistence does not thereby become precluded.

If it be asked 'What is the difference between these two?'—our answer is that if the said sons were entitled to regular 'shares,' they would be entitled to make gifts of, or sell, the property inherited, while what they get for subsistence, of that they can only take the usufruct.

"As for the grains necessary for his subsistence, these the *Shūdra* son shall receive from the *Brāhmaṇa* son; so that there would be no point in alloting any land to him for that purpose. Says Gautama (28-39)—'He obtains his subsistence, in the manner of a pupil."

True; but provision for his subsistence has got to be made, in consideration of the fact that the property under division is his father's; and if such provision were not definitely made at the time of division, it is just possible that the twice-born brothers might lose the property, either by misconduct or by some such act as selling and the like; and in that case he would be left without subsistence. If, on the other hand, some land has been definitely allotted for his subsistence, the other brothers could not appropriate it to other uses, without his consent.—(153)

VERSE CLIV

WHETHER A *Brāhmaṇa* HAS A SON OR NO SON, HE SHALL NOT, ACCORDING TO LAW, ALLOT MORE THAN THE TENTH PART TO THE SON OF THE *Shūdra* WIFE.—(154)

Bhāṣya.

'*Has a son*'—has any son; or the son meant may be that born of the *Brāhmaṇa* wife, and not that of any of the 'twice-born' wives. So that if there is no son born of the *Brāhmaṇa* wife, even if there are sons of *Kṣattriya* and *Vaishya* wives, the son of the *Shūdra* wife shall receive the *eighth* part; while if there is only a son of the *Vaishya* wife, he shall get the *third* part.

Others, however, explain the phrase '*no son*' to mean *the absence of a son of any twice-born wife.* And according to this view, the residue of the property left

after the tenth part has been made over to the *Shūdra* son shall go to the *Sapiṇḍas* (Collaterals).

The most unobjectionable principle of division, however, would be as follows:—If the property is a large one, and there is no son of any higher caste, the *Shūdra* son shall receive only the tenth part; if, however, the property is just enough for the maintenance of a few men only, then, the whole shall go to the *Shūdra* son.

In the case of Kṣattriyas and others, another *Smṛti* has laid down the following rule in connection with sons born of the same and different castes:—'Sons of a Kṣattriya are entitled to three, two and one shares; those of the Vaishya to two and one' (Yājña. 2.125). That is, sons of the *Kṣattriya* from the *Kṣattriya* wife shall each receive three parts, those from the *Vaishya* wife two parts, and from the *Shūdra* wife one part; so that *Shūdra* sons receive the sixth part of the property of the *Kṣattriya* father and the third part of the *Vaishya* father.

Others again explain the sense of the present text as follows:—When he is going to give some property to the *Shūdra* son at all, the father shall collect the entire property and give to him the tenth part of it,—even, though he be free to do as he likes; as it is going to be declared (in the next verse) that 'whatever his father shall give to him, that shall be his.'

According to this view, it would be much more reasonable to construe the text as 'the man having a son shall give, etc. etc.,'—'*dadyāt*,' 'shall give,' being construed with '*saputraḥ*,' 'having a son'; otherwise, the construction would be—'the person, whose father has a son or no son, shall give, etc.,'—which shall be a most difficult one. As in this case, the term 'having a son' shall stand for the dead *father*, while the nominative of the verb 'shall give' shall be the living son or other *Sapiṇḍa* relations.

Thus, then, in a case where there are only *Brāhmaṇa* and *Shūdra* sons, and no *Kṣattriya* or *Vaishya* ones, the *Shūdra* one is entitled, not to the tenth part, but to something less, never more.

If there are ten cows, the Brāhmaṇa son shall receive four cows, the Shūdra one cow,—the remaining ones being divided between the *Kṣattriya* and *Vaishya* sons. When, however, these latter too do not exist, then, these five cows also shall be divided, on the aforesaid principle, between the *Brāhmaṇa* and *Shūdra* sons. When, however, the Brāhmaṇa son takes the entire property, he cannot be called either a 'share-holder' or 'a receiver of four shares.' Hence, in this case what has been said (in 153) regarding the Brāhmaṇa taking 'four shares' would apply to a case where there are four brothers. The *Shūdra* also receives the 'tenth share' only when there are four brothers;—this share to be correspondingly increased if there are two or three brothers only.—(154)

VERSE CLV

OF THE *Brāhmaṇa*, THE *Kṣattriya* AND THE *Vaishya*, THE SON BORN OF A *Shūdra* WIFE IS NOT AN INHERITOR OF PROPERTY; HIS PROPERTY SHALL CONSIST OF WHATEVER HIS FATHER MAY GIVE TO HIM.—(155)

Bhāṣya.

The son born of the *Shūdra* wife of the twice-born persons is not an 'inheritor of property.'—Is that so always?—No; '*whatever his father may give to him*'—*i.e.*, the 'tenth part' which the father may have allotted to him—that shall be his property; and he obtains nothing more out of his paternal property.

In this connection, it has been declared by Shaṅkha—'The son of the Shūdra wife is not entitled to inheritance;—his share consists of whatever his father gives him; *at the time of partition, however, his brothers may give him a pair of*

bullocks in addition';—this latter sentence forming a subsequent addition.

Others hold that what is said in the present text refers to the son of the *unmarried Shūdra* woman;—their argument being that there is nothing in the text indicative of the woman being one that has been duly married,—all that the term '*Shūdra*' denotes is the particular caste. Hence, the meaning is that for the son of such a woman, '*whatever the father gives him*,'—that is, the provision that his father makes for his maintenance, or any share that he may have allotted to him for his maintenance during his life-time,—that shall be his property,—and his brothers need not give him anything. Says Gautama in the section dealing with the son of a *Shūdra* wife—' As regards the sons of unmarried wives, they shall, if they are obedient, receive enough for subsistence, in the manner of pupils.' (28—39)

According to the view of these men, however, the sons born of unmarried *Kṣattriya* and *Vaishya* wives would be entitled to inheritance; and it is not known to what share these would be entitled.

It might be asserted that—"Their share shall be the same as that of the sons of married wives; since there is no word, either directly or indirectly indicative of the fact that the mothers shall be *married* wives. For all that is said is that—' the legitimate son alone shall inherit the property' (163); which distinctly mentions the 'legitimate' son, born of the legally married wife; and the qualities of the 'legitimate' son can never be present in those born of *unmarried* wives, and further, it has been declared that 'the son of the unauthorised woman ...... is not entitled to any share' (143). It might be urged that this last passage refers to the *brothers wife*; as it is only in connection with her that 'authorisation' has been sanctioned; so that when the text used the term 'unauthorised' it must be taken as referring to her alone."

But in the present case also, there is clear indication of the fact that sons become entitled to 'subsistence' as soon as they are born (irrespectively of all other conditions). Hence, the term 'unauthorised' also refers in general to the wives of other persons. And all these sons (of married or unmarried wives) are entitled to subsistence.—(155)

VERSE CLVI

OR, ALL THE SONS OF TWICE-BORN MEN, BORN OF WIVES OF THE SAME CASTE, SHALL DIVIDE THE PROPERTY EQUALLY, AFTER THE OTHERS HAVE GIVEN TO THE ELDEST HIS 'PREFERENTIAL SHARE.'—(156)

Bhāṣya.

In the absence of any other alternative, the term 'or' can be explained only as referring to what is here stated.

Whether the wives belong to the same caste or to different castes, it is only the *Shūdra* son that has been precluded from inheriting the entire property; hence, what is asserted here must be understood to apply to *twice-born* sons only. Consequently, the sense is that if a *Brāhmaṇa* has no son born of his *Brāhmaṇa* wife, his sons born of the other wives, inherit his entire property. Similarly, the son of the *Vaishya* wife of the Kṣattriya father.

The text cannot mean that 'after the preferential share has been given to the eldest brother, all the sons born of wives of different castes shall divide *equally*,—with those born of the wives of the same caste.' As this would be contrary to what has been said before (in 153) regarding each son of the lower caste receiving one share less than that of the higher caste.

It has been argued that—"This equality would be right in a case where the sons of the wife of the same caste are devoid of qualities, while those of the lower castes are duly qualified; specially in view of what has

been declared by Gautama (28-40)—according to same people, a son of the wife of the same caste does not inherit, if he is misbehaved."

This, however, is not right. Because, the caste of the son is the most important consideration. In fact, the revered teachers have declared that as soon as the son (of the wife of the same caste) has been born, he becomes the owner of the entire property.

Thus, the rule on this subject should be as that when there are no sons of the wife of the same caste, even those sons that are born of wives of different castes should give to the eldest brother of the same caste as themselves, his preferential share and divide the rest equally.—(156)

VERSE CLVII

FOR THE *Shūdra* IS ORDAINED A WIFE OF HIS OWN CASTE ONLY, AND NO OTHER; AND ALL THE SONS BORN OF HER SHALL BE ENTITLED TO EQUAL SHARES, EVEN IF THERE BE A HUNDRED SONS.—(157)

Bhāṣya.

For the *Shūdra* there is no irregular wife of the 'ascending' degree.

This is only a reiteration of what has been said before.

'*Other sons born of her shall be entitled to equal shares.*'

It is in view of there being no fifth caste that the text has said that 'for the Shūdra there is a wife of the same caste, *and no other*.'—(157)

SECTION (22)—THE RELATIVE STATUS OF THE TWELVE KINDS OF SONS.

VERSE CLVIII

AMONG THE TWELVE KINDS OF SONS THAT MANU SPRUNG FROM THE SELF-EXISTENT ONE HAS MENTIONED,—SIX ARE KINSMEN AS WELL AS HEIRS, AND SIX ARE KINSMEN, NOT HEIRS.—(158)

Bhāṣya.

This is a brief indication of what follows.

The term '*bandhu*' stands for '*bāndhava*,' 'kinsman.'

Six inherit the man's 'family-name' as well as 'property'; while with the remaining six, the case is the reverse of this.

What the true view is regarding this point, we shall explain later on.—(158)

VERSES CLIX-CLX

(1) THE '*Aurasa*,' 'BODY-BORN,' (2) THE '*Kṣētraja*,' 'SOIL-BORN,' (3) THE '*Datta*,' 'GIVEN' (ADOPTED), (4) THE '*Kṛtrima*,' 'APPOINTED,' (5) THE '*Gūḍhotpanna*,' 'SECRETLY BORN,' AND (6) THE '*Apaviddha*,' 'CAST OFF,'—THESE SIX ARE BOTH HEIRS AND KINSMEN.—(159)

(1) THE '*Kānīna*,' 'MAIDEN-BORN,' (2) THE '*Sahoḍha*,' 'RECEIVED ALONG WITH THE WIFE,' (3) THE '*Krīta*,' 'BOUGHT,' (4) THE '*Paunarbhava*' 'BEGOTTEN ON A REMARRIED WOMAN,' (5) THE '*Svayan-datta*,' 'SELF-OFFERED' AND (6) THE '*Shaudra*,' '*Shūdra*-BORN,'—THESE SIX ARE ONLY KINSMEN, NOT HEIRS.—(160)

Bhāṣya.

These two verses enumerate the twelve kinds of sons, for the purpose of indicating the two classes mentioned above.—(159-160)

VERSE CLXI

THE MAN WHO TRIES TO CROSS THE GLOOM WITH THE HELP OF BAD SONS OBTAINS RESULTS SIMILAR TO THOSE OBTAINED BY ONE WHO TRIES TO CROSS THE WATER WITH THE HELP OF UNSOUND BOATS.—(161)

Bhāṣya.

The '*Kṣētraja*' and other sons having been mentioned along with the 'legitimate' son, people might think that all of them stand on the same footing; it is with a view to set aside this notion that the author adds this verse. The sense is that the 'Kṣētraja' and other 'bad sons' are not capable of rendering the same assistance that is rendered by the 'legitimate' son.

Even though the text does not mention anything definite, yet people have explained it to mean this, on the basis of the context. Others, however, have explained the 'bad sons' to mean 'sons of unauthorised women.'

The sense is that even though people have these 'bad sons,' they should not regard themselves as having sons, they should still continue to make efforts to obtain a 'legitimate' son.

'*Gloom*'—of the other world, due to the man's past misdeeds, in the shape of not having paid off the debts to his *Pitṛs*,—which could be cleared off only by means begetting offspring.—(161)

VERSE CLXII

IF THE 'SOIL-BORN' AND THE 'BODY-BORN' SONS ARE BOTH ENTITLED TO INHERIT THE SAME PROPERTY, EACH SHALL RECEIVE THAT PROPERTY WHICH

BELONGS TO HIS OWN FATHER, AND NOT THE OTHER. —(162)

Bhāṣya.

An impotent man having obtained a son from his 'authorised' wife through another man, according to the method described under 167, may happen to have his impotence cured by medicines and then himself beget his own 'legitimate,' 'body-born' son; and in this case, the former son would receive the property of his *progenitor*, who may be called his 'father' on the ground of his being the cause of his birth; and on the same ground the child would be called his 'son' only figuratively; since in reality he is the '*Kṣētraja*' son of the other man, just as he is referred to in this verse.

If, however, the progenitor happens to have a 'legitimate' son of his own,—and if the father, moved by his great love, does not happen to have made over all his property to that son, —and further, if there are no other Sapiṇḍa relations—under such circumstances, the '*Kṣētraja*' son may inherit the property of that progenitor. The sons of 'unauthorised' women also inherit the property of their progenitor, if there are no 'Sapiṇḍa' relations.

Others explain the verse to mean as follows:—While the rightful 'heir' is already there, if a '*Kṣētraja*' son happen also to be born, this latter shall inherit the property of his progenitor, and not that of the 'owner of the soil' (his mother's husband),—if there is a 'legitimate' son of the latter. In the presence of the legitimate son, what the share of the '*Kṣētraja*' son shall be is laid down in verses 165 and 164.

The next two verses show how the two sons become entitled to the same property.'—(162)

VERSE CLXIII

THE 'LEGITIMATE' (BODY-BORN) SON IS ALONE THE OWNER OF THE PATERNAL ESTATE; BUT IN ORDER TO

AVOID UNKINDNESS, HE SHALL PROVIDE SUBSISTENCE FOR THE REST.—(163)

Bhāṣya.

If the legitimate son is there, all the others '*Kṣētraja*' and the rest—are not 'heirs;' and they shall receive a subsistence allowance only from the legitimate son 'Avoidance of unkindness'—avoidance of sin. That is the man would incur sin if he did not make the said provision.—(163)

VERSE CLXIV

WHEN THE LEGITIMATE SON IS DIVIDING THE PATERNAL ESTATE, HE SHALL GIVE TO THE '*Kṣētraja*' SON ONE-SIXTH OR ONE-FIFTH PART OF THE FATHER'S PROPERTY.—(164)

Bhāṣya.

It being possible for men to entertain the notion that, like the 'bought' son, the '*Kṣētraja*' ('soil-born') son also is entitled to subsistence only,—the text lays down the optional alternative that he may receive a share out of the property. What the exact share shall be shall depend upon the man's qualifications.--(164)

VERSE CLXV

THE 'BODY-BORN' AND THE 'SOIL-BORN' ARE ENTITLED TO INHERIT THE FATHER'S PROPERTY; WHILE THE OTHER TEN INHERIT THE 'FAMILY-TITLE' AND A SHARE IN THE PROPERTY, ACCORDING TO THEIR ORDER.—(165)

Bhāṣya.

The first half of this verse is only a reiteration of what has been enjoined before, and not a distinct injunction; specially because the 'soil-born' son does not stand on an equal footing with the 'body-born' son.

The other sons inherit the 'family name,' and they inherit also '*a share in the property*;' and it has been already explained that this 'share' consists of *mere subsistence*. But the case of the 'adopted' son stands on the same footing as that of the 'soil-born' one. In support of this view people quote other *Smṛti-texts*.

'*According to their order*.'—The 'body-born' and the 'soil-born' sons are entitled to inherit simultaneously; but among the rest, the succeeding one inherits only in the absence of the preceding one.

"If only six of the sons are 'heirs,' and the other six are *not* heirs,—according to the distinction into 'heirs' and 'non-heirs' made (in 158), it cannot be right to declare all these to be *inheritors* of property."

As a matter of fact, those that have been described as 'non-heirs' are so only in the presence of the 'body-born' son; all that is meant by the distinction is that the first six are larger beneficiaries than the second six. Among the first group, all except the 'body-born' are equal beneficiaries, and less than these latter are the six in the second group; these latter are all equal, and there is no difference among themselves, due to these being mentioned earlier or latter.—(165)

SECTION (23)—THE TWELVE KINDS OF SONS DEFINED.

VERSE CLXVI

HIM WHOM A MAN HIMSELF BEGETS IN HIS OWN SANCTIFIED 'SOIL,'—ONE SHALL KNOW AS THE 'BODY-BORN' (LEGITIMATE) SON, (DECLARED) TO BE THE FIRST IN ORDER.—(166)

Bhāṣya.

The term '*own*' here denotes *ownership*, and not *the character of belonging to the same caste.* Thus, the meaning is that the 'body-born' son is one born from the woman '*sanctified*' (married) by the man himself. If this were not meant by 'own,' then the epithet '*sanctified*' would only exclude the *unmarried* woman; so that the son begotten on a woman *married* by another person would also come to be known as one's 'body-born' son. And further, if the word is interpreted as we have pointed out, the sons of the *Kṣattriya* wife also would be 'body-born' (for the Brāhmaṇa father); these latter do not fall within any other class of sons.'

Others take the epithet '*prathamakalpitam*' as qualifying 'body-born' [and meaning 'of the principal kind'], and hold that the sons born of the *Kṣattriya* wife are not 'body-born' in the fuller sense.

Under this explanation, however, as the son begotten on one's own *married* wife would not be 'body-born' in the full sense, he would be as good as born of an *unmarried* wife. And even if the sons of the *Kṣattriya* and other wives are not called 'body-born,' what does it matter? They still remain the man's 'sons' and entitled to inherit their limited shares in his property.

The following argument might be put forward—"If the son in question does not fulfill the conditions of the 'body-born,' the 'soil-born,' or any of the twelve kinds of sons,—and there are only these *twelve* kinds of sons,—how can he be regarded as a 'son' at all?"

The answer to this is as follows:—What is the use of any definitions? The application of the same depends upon actual usage. As a rule, when a child is born of a man, he is called his 'son'; and obviously, if the child is not born of a man, they do not regard that man to be his 'father'; and they tell him—'this is not your father, you are not born of him.' From these two affirmative and negative propositions, it follows that the progenitor is the 'father' and the person born is the 'son;' and it is only for the purpose of indicating the peculiar characteristics that defintions are set forth. In the case of the 'soil-born' son, it is true that the person called his 'father' is not his progenitor; but that is only with a view to a special purpose; the child being called the man's 'son,' for, even though not his 'son,' he fulfills for him the functions of a son.

As a matter of fact, the mere fact of a person being born of a man does not make him his 'son'; as this has been expressly denied. It is for this reason that such sons have been called 'substitutes' (in 180). Further, if the mere fact of being born of a man were to make one his 'son,' then there would be no difference in the 'sonship' of the 'body-born son,' 'the son born of a remarried woman' and 'the son of an unauthorized woman,' since the fact of being *born* is common to all of them. Then again, if the mere fact of *serving the purposes of a son* were the sole condition of one being a 'son,' then no one in the world would be 'sonless.' As regards the common usage (regarding the use of the name 'son') mentioned above, it cannot be regarded as

universally true, since it is found that in many cases the name 'father' is not applied to the actual *progenitor.*

Thus then, notwithstanding ordinary usage, the actual application of the name 'son'—as in the case of such titles as 'wife' and the like—should be determined by the scriptural texts, which lay down the various ways in which a 'son' may be begotten; and it is only the signification of the names that may be learnt from ordinary usage; just as in the case of such titles as 'Indra' and the like.

"But as regards the declaration that the 'body-born' son is '*the first in order,*' it is ordinary usage on which this is based."

Not only on ordinary usage, but also upon the nature of the benefits (conferred by this particular kind of son);—the meaning of the declaration being that 'the body-born son is in a position to confer the greatest benefits upon his fathers.' Thus, the other sons are called 'substitutes' only on the ground of the lessening degrees of benefits conferred by them. As a matter of fact, however, these other sons cannot be 'substitutes' in the real sense of the term; because, it is only when a substance is used as a subsidiary accessory in the completing of an act already begun with a certain substance (which is no longer found)—that the former substance comes to be called a 'substitute;' in the case in question however, the son is not the 'subsidiary accessory' of any act, the act of begetting the son being itself only a subsidiary act. Hence, what is meant by calling the other sons, 'substitutes' is that though the 'soil-born' and others are also 'sons,' it is the 'body-born' one that is most praiseworthy; just as we find in the Vedic passage—'The cow and the horse are the only cattle, animals other than the cow and the horse are not *cattle,*'—where the assertion that the other animals are not 'cattle' means that the cow and the horse are praiseworthy.

Further, it has been shown in the *Mahābhārata* that sons do not always belong to the person from whose seed they are born: *e.g.*, Pāṇḍu, Dhṛtarāṣṭra and Vidura, though born from the seed of Vyāsa, are not spoken of as 'sons' of Vyāsa.

It has already been explained by us what useful purpose is served by our regarding as 'body-born' or 'legitimate,' the sons of the *Kṣattriya* and other wives also.

"As regards the 'son of the Appointed Daughter,' if this were regarded as a 'son,' the number of sons would exceed *twelve*."

What is the harm if it does? This may be the *thirteenth* kind of son. In fact, he has not been separately mentioned, because, the useful purpose served by him is the same as that by the 'body-born' son, which fact makes him equal to this latter. That is why another Smṛti text has declared—'Equal to him (the Body-born son) is the son of the Appointed Daughter.' (*Yājñavalkya*, 2·128).—(166)

VERSE CLXVII

IF A SON IS BORN OF THE WIFE OF A MAN, EITHER DEAD OR IMPOTENT OR DISEASED, BY ONE WHO HAS BEEN DULY 'AUTHORISED,'—THAT SON IS DECLARED TO BE '*Kṣētraja*,' 'SOIL-BORN.'—(167)

Bhāṣya.

'*Diseased*'—*i.e.*, suffering from some incurable disease, such as: consumption and the like.

The rest is quite clear.—(167)

VERSE CLXVIII

WHEN IN TIMES OF DISTRESS, THE MOTHER OR THE FATHER AFFECTIONATELY GIVES AWAY, WITH WATER-LIBATIONS, A WORTHY SON,—THAT SON IS CALLED 'GIVEN' (ADOPTED).—(168)

Bhāṣya.

It would be more reasonable to read '*cha*,' 'and,' instead of '*vā*,' 'or'—'The father *and* the mother'; the child belongs to both the parents, and cannot be given away, if either of them is unwilling.

Or, we may accept the reading '*vā*' 'or'; according to another text, which says—'The father or the mother may give the child'; but when the father is spoken of as the *superior* of the two parents, this *superiority* pertains to other matters.

"Since there is the mother's ownership also over the child, the father cannot have the sole right to give away the son."

True; but there are texts declaring that in the absence of the parents (?) the child belongs to the owner of the seed. It is for this reason that the 'father' has been mentioned. Vashiṣṭha also has declared—'The woman shall neither give away nor adopt a son.'

'*Worthy*';—this refers, not to *caste*, but to the presence of qualifications in conformity with the family concerned. Thus, it is that the Brāhmaṇa can adopt sons of the *Kṣattriya* and other castes also.

'*Affectionately.*'—This has been added with a view to preclude *greed* and such motives for the giving away of the child.—(168)

VERSE CLXIX

When one appoints a son who is worthy, capable of discerning right and wrong, and endowed with filial virtues,—that son is to be known as 'appointed.'—(169)

Bhāṣya.

Here also the epithet '*worthy*' refers to *qualities*.

Some people, however, explain it to mean 'belonging to the same caste'; but if this were meant by the author,

the proper reading would have been '*sajātīyam*' (in place of '*sadṛshantu*'). And we have already pointed out above that the 'worthiness' meant in the present context is not with reference to *caste*.

'*Capable of discerning right and wrong.*'—Some people have explained this to mean that no one shall be so 'appointed' until he has attained his majority; as until then he is not in a position to discern right and wrong; all that he knows is that he is the 'son' of the man who has begotten him and who is maintaining him at the time. So that he would not be able to realise his 'appointment' as the son of any other man. For this reason, the 'appointment' should be made only when he is able to understand his position.

In reality, however, there is no difference between the two cases. (?)—(169)

VERSE CLXX

IF A SON IS BORN IN A MAN'S HOUSE, AND IT IS NOT KNOWN WHOSE HE IS,—THIS SON 'SECRETLY BORN' IN THE HOUSE SHALL BELONG TO HIM OF WHOSE WIFE HE IS BORN.—(170)

Bhāṣya.

If the mother were not known, then the caste also of the child would not be known; as it has been declared by the ancients that 'the caste of the child whose progenitor is not known can be ascertained from his mother.'

The rule here laid down refers to a case where there is no suspicion regarding the progenitor being of a lower caste. In the event of such suspicion, there would be likelihood of an 'admixture in the reverse order'; and in that case, the son would not be entitled to perform the functions of a 'son.'—(170)

VERSE CLXXI

If a man takes up a son deserted by his parents, or by either of them, he is called the 'cast off son.'—(171)

Bhāṣya.

A child may be deserted by the parents, either because they have many children whom they are unable to support by reason of poverty, or because the particular child has some such defect as disaffection towards his parents and the like.

But the child should not have been openly deserted; as in that case it would not be entitled to being received as a son,—as has been shown elsewhere.

This desertion may be by either one of the parents.

'*Takes up*'—with a view to making him his son,—and not to only supporting him.—(171)

VERSE CLXXII

If a maiden secretly bears a son in her father's house, that son, born of a maiden, should be declared as 'maiden-born' by name, and to belong to the man who marries her.—(172)

Bhāṣya.

This verse has been already explained before, and the shares to be allowed to him, along with the 'adopted,' 'appointed' and 'cast off' sons have already been described before (under 132—135).—(172)

VERSE CLXXIII

If one marries, knowingly or unknowingly, a pregnant maiden, the child in her womb belongs to him who marries her, and is called 'received along with the wife.'—(173)

VERSE CLXXIV

IF A MAN BUYS A BOY, WORTHY OR UNWORTHY, FROM HIS FATHER AND MOTHER, WITH A VIEW TO MAKING HIM HIS SON, THAT SON IS CALLED 'BOUGHT.'—(174)

VERSE CLXXV

IF A WOMAN ABANDONED BY HER HUSBAND, OR A WIDOW, OF HER OWN ACCORD, MARRIES AGAIN AND BEARS A SON, THAT SON IS CALLED 'THE SON OF A RE-MARRIED WOMAN.'—(175)

VERSE CLXXVI

IN CASE SHE BE STILL A VIRGIN, OR HAVING GONE AWAY COMES BACK,—SHE IS FIT TO UNDERGO RE-MARRIAGE WITH HER SECOND HUSBAND.—(176)

VERSE CLXXVII

IF A BOY, BEING DEPRIVED OF HIS PARENTS, OR BEING ABANDONED BY THEM WITHOUT CAUSE, OFFERS HIMSELF TO A MAN,—HE IS CALLED THE 'SELF-OFFERED SON.'—(177)

VERSE CLXXVIII

IF A *Brāhmaṇa*, THROUGH LUST, BEGETS A SON ON A *Shūdra* WOMAN, HE IS AS A CORPSE, EVEN THOUGH LIVING, AND HENCE CALLED THE 'LIVING CORPSE.'—(178)

Bhāṣya.

[The Bhāṣya on these verses is not available in any of the manuscripts.]

VERSE CLXXIX

IF A SON IS BORN TO A *Shūdra* FROM A FEMALE SLAVE, OR FROM THE FEMALE SLAVE OF A SLAVE, HE SHALL, WHEN PERMITTED, RECEIVE A SHARE; SUCH IS THE SETTLED LAW.—(179)

Bhāṣya.

In the case of a Shūdra, the child born from an unmarried woman, or from an unauthorised woman, is a 'son.'

From the text, it is clear that if a slave were to beget a child upon a female slave belonging to another slave, that child would belong to the former, and not to the latter.

'*When permitted*'—by his father—'*shall receive a share*'—equal to that of the 'legitimate' son; when the partition is done during the father's life-time, or when the father has declared to his sons that 'this child is entitled to a share equal to yours.'

If, however, the father does not permit it, what should be done has been declared in another *Smṛti*—'The son born to a Shūdra from a female slave shall receive a share according to the wish—[of his father, *i.e.*, as much as his father permits him to take],—*but on the father's death, his brothers shall allot to him a half-share*; [that is, they shall give him half of their own share; if they themselves take two shares each, they shall give him one];—if he has no brothers, he shall take the entire property, except when there are daughter's sons;—*i.e.*, in the absence of 'legitimate' sons, he shall inherit the whole property, but only if there is no daughter's son; if the daughter's son is there, this latter shall be treated like a 'legitimate' son; because, nothing else is mentioned in connection with the daughter's son, and it is he that is presented to the mind by the context.

In the case of the *Brāhmaṇa* and other castes, the sons of slave-girls are entitled to mere subsistence.

Such is the law.—(179)

VERSE CLXXX

THESE ELEVEN, THE 'SOIL-BORN' AND THE REST, AS HERE DESCRIBED, THE WISE ONES CALL 'SUBSTITUTES OF A SON,'—TAKEN WITH A VIEW TO THE FAILURE OF A RELIGIOUS DUTY.—(180)

Bhāṣya.

'*Substitute*'—when the 'principal' is not there; which means that these other sons are to be taken only in the absence of the 'legitimate' son.

In other *Smṛtis*, these sons have been mentioned in a different order; *e.g.*, the 'secretly born' occupies the fifth place in one text, while the sixth in another. But no significance attaches to the order in which these are mentioned; this is what is indicated by the fact that there is no uniform order adopted by the *Smṛtis*. Even though no special significance attaches to the order, yet a distinctly useful purpose is served by it; as we shall explain later on.

These sons are taken '*with a view to*'—on account of—'*the failure of a religious duty*'; *i.e.*, with a view to prevent the transgression of the injunction that 'one shall beget a child.' This injunction is an obligatory one, and as such, must be acted up to by the Householder. The principal method of doing this consists in begetting a 'legitimate' son; but in the absence of that, he may have recourse to the others here described.—(180)

VERSE CLXXXI

THOSE SONS BORN OF THE SEED OF STRANGERS THAT HAVE BEEN DESCRIBED HERE BY THE WAY, BELONG TO HIM FROM WHOSE SEED THEY ARE BORN, AND NOT TO ANY OTHER PERSON.—(181)

Bhāṣya.

Some people explain this to mean the denial of the injunction regarding the other sons, even in the absence of the 'legitimate' son; the sense being that—'those that have been described as substitutes to be appointed in the absence of the legitimate son, should not be appointed, because, being born of the seed of another man, they are the sons of that man, and of none other; *i.e.*, they cannot be the 'sons' of the man that appoints them.'

Thus, the foregoing texts having sanctioned the appointing of such sons, and the present text forbidding it, there should be *option*; and this option shall be restricted to the inheriting of property. So that the 'maiden-born,' the 'one received along with the wife,' the 'son of the remarried woman' and the 'secretly born' son are not entitled to inherit property; the 'adopted' and the rest are entitled to inherit only in the absence of the 'legitimate' son, while the 'maiden-born' and the rest are not to inherit the father's property even in the absence of the 'legitimate' son; they are entitled to food and clothing only, whether the 'legitimate' son is there or not; since it has been declared (in 202 below)—'It is only fair that the wise man should give to all food and clothing according to his means; if he does not give it at all, he would become an outcast.'—(181)

VERSE CLXXXII

AMONG BROTHERS, BORN OF THE SAME FATHER, IF EVEN ONE HAVE A SON, MANU HAS DECLARED ALL OF THEM TO BE 'WITH SON,' THROUGH THAT SON.—(182)

(No Bhāṣya available.)

VERSE CLXXXIII

AMONG ALL THE WIVES OF ONE MAN, IF ONE HAVE A SON, MANU HAS DECLARED ALL OF THEM TO BE 'WITH SON,' THROUGH THAT SON.—(183)

(No Bhāṣya available.)

VERSE CLXXXIV

ON THE FAILURE OF EACH SUPERIOR KIND OF SON, EACH NEXT INFERIOR ONE IS ENTITLED TO INHERITANCE; IF THERE BE SEVERAL OF THE SAME CLASS, ALL SHALL SHARE THE PROPERTY.—(184)

(No Bhāṣya available.)

SECTION (24)—INHERITANCE.

VERSE CLXXXV

SONS ALONE SHALL INHERIT THE FATHER'S PROPERTY, NOT BROTHERS OR FATHERS; BUT THE FATHER AND BROTHERS SHALL INHERIT THE PROPERTY OF ONE WHO DIES SONLESS.—(185)

(No Bhāṣya available.)

VERSE CLXXXVI

TO THREE SHOULD WATER-LIBATION BE OFFERED; TO THREE IS THE CAKE OFFERED; THE FOURTH IS THE GIVER OF THESE OFFERINGS; THERE CAN BE NO FIFTH.—(186)

(No Bhāṣya available.)

VERSE CLXXXVII

THE PROPERTY SHALL ALWAYS DEVOLVE UPON HIM WHO IS NEAREST TO THE (DECEASED) '*Sapiṇḍa*'; AFTER THESE EITHER A '*Sakulya*'; OR THE SPIRITUAL PRECEPTOR, OR THE PUPIL.—(187)

(No Bhāṣya.)

VERSE CLXXXVIII

BUT, ON THE FAILURE OF ALL, THE PROPERTY SHALL BE TAKEN BY *Brahmaṇas*, LEARNED IN THE VEDAS, PURE AND SELF-CONTROLLED; IN THIS MANNER THE LAW WOULD NOT BE VIOLATED.—(188)

(No Bhāṣya.)

VERSE CLXXXIX

THE PROPERTY OF THE *Brāhmaṇa* SHOULD NEVER BE TAKEN BY THE KING,—SUCH IS THE LAW; BUT IN THE CASE OF OTHER CASTES, THE KING SHALL TAKE THE PROPERTY, IN THE ABSENCE OF ALL HEIRS. —(189)

(No Bhāṣya.)

VERSE CXC

IN THE CASE OF A MAN DYING CHILDLESS, IF AN ISSUE IS RAISED FROM A MEMBER OF THE SAME FAMILY, ALL THE PROPERTY THAT THERE MAY BE SHALL BE DELIVERED TO THAT CHILD.—(190)

(No Bhāṣya.)

VERSE CXCI

BUT IF TWO SONS, BORN OF TWO MEN, CONTEND FOR THE PROPERTY IN THE MOTHER'S POSSESSION, EACH SHALL TAKE, TO THE EXCLUSION OF THE OTHER, WHAT BELONGED TO HIS OWN FATHER.—(191)

(No Bhāṣya.)

VERSE CXCII

WHEN THE MOTHER HAS DIED, ALL THE UTERINE BROTHERS AND UTERINE SISTERS SHALL DIVIDE THE MOTHER'S PROPERTY EQUALLY.—(192)

(No Bhāṣya.)

VERSE CXCIII

EVEN TO THE DAUGHTERS OF THOSE DAUGHTERS SOMETHING SHALL BE LOVINGLY GIVEN, AS IS QUITE PROPER, OUT OF THE PROPERTY OF THEIR MATERNAL GRANDMOTHER.—(193)

(No Bhāṣya.)

SECTION (25)—STRĪ-DHANA

VERSE CXCIV

(1) **WHAT IS GIVEN BEFORE THE FIRE, (2) WHAT IS GIVEN AT THE TIME OF DEPARTURE, (3) WHAT IS GIVEN IN TOKEN OF LOVE, AND WHAT IS RECEIVED FROM (4) THE BROTHER, (5) THE MOTHER AND (6) THE FATHER,—HAS BEEN DECLARED TO BE '*Strī-dhana*' (THE EXCLUSIVE PROPERTY OF THE WOMAN.) —(194)**

(No Bhāṣya.)

VERSE CXCV

ALSO THE GIFT THAT IS SUBSEQUENTLY MADE TO HER BY HER LOVING HUSBAND, SHALL GO TO HER OFF-SPRING, IF SHE DIES WHILE HER HUSBAND IS LIVING. —(195)

(No Bhāṣya.)

VERSE CXCVI

IT IS ORDAINED THAT THE PROPERTY OF WOMEN MARRIED BY THE '*Brāhma*,' THE '*Daiva*,' THE '*Ārṣa*,' THE '*Gāndharva*,' OR THE '*Prājāpatya*' FORM, SHALL GO TO HER HUSBAND ALONE, IF SHE DIES CHILDLESS.—(196)

(No Bhāṣya.)

VERSE CXCVII

BUT THE PROPERTY GIVEN TO A WOMAN ON THE '*Āsura*' OR OTHER (INFERIOR) FORMS OF MARRIAGE,

HAS BEEN HELD TO BELONG TO HER PARENTS, UPON HER DYING CHILDLESS.—(197)

(No Bhāṣya.)

VERSE CXCVIII

THE PROPERTY THAT MAY HAVE BEEN GIVEN TO A WOMAN BY HER FATHER SHALL BE TAKEN BY THE DAUGHTER OF THE *Brāhamaṇa*-CASTE; OR IT SHALL BELONG TO THE CHILD OF THAT DAUGHTER.—(198)

(No Bhāṣya.)

VERSE CXCIX

WOMEN SHALL NEVER MAKE A HOARD OUT OF THE FAMILY-PROPERTY COMMON TO MANY, NOR OUT OF THEIR OWN PROPERTY, WITHOUT THE HUSBAND'S PERMISSION.—(199)

(No Bhāṣya.)

VERSE CC

THE ORNAMENT WORN BY THE WOMAN DURING HER HUSBAND'S LIFE-TIME, HER HEIRS SHALL NOT DIVIDE; IF THEY DIVIDE IT, THEY BECOME OUT-CASTS.—(200)

(No Bhāṣya.)

SECTION (26)—DISQUALIFICATIONS TO INHERITANCE

VERSE CCI

EUNUCHS AND OUTCASTS, THOSE BORN BLIND OR DEAF, IDIOTS AND THE DUMB, AS WELL AS THOSE DEFICIENT IN ANY ORGAN, ARE ENTITLED TO NO SHARES. —(201)

(No Bhāṣya.)

VERSE CCII

BUT IT IS FAIR THAT THE WISE MAN SHALL GIVE EVEN TO ALL THESE FOOD AND CLOTHING TO THE BEST OF HIS ABILITY; IF HE DOES NOT GIVE IT AT ALL, HE BECOMES AN OUTCAST.—(202)

Bhāṣya.

'*All these*'—Eunuchs and the rest.

'*At all*'—throughout life.

'*Food and clothing*'—being necessary for the keeping of the body; it is implied that he should provide enough to enable them to engage the necessary servants and other attendants; specially because in the case of the blind and the rest, living would be impossible without a servant. Those again for whom marriage is permitted, the provision made should include that for their wives also.

'*To the best of his ability*'—the food and clothing provided shall be in accordance with the man's own wealth.

'*Outcast*'—this is purely declamatory.—(202)

VERSE CCIII

If the eunuch and the rest should somehow happen to have longing for a wife, the child of such of them as have issue is entitled to inheritance.—(203)

Bhāṣya.

'*Longing*'—desire to meet, with a view to sexual intercourse. When there is such longing, the man shall marry. And if there is issue from the marriage, the '*child*'—whether a son or a daughter—'*is entitled to inheritance*'—to a share in the property.

The share to which a daughter is entitled has already been explained.

"In the case of the eunuch of the 'airy' (infructuous) 'semen,' the desire for sexual intercourse is there; but, how could he have any 'issue'?"

It has already been declared above (167) that—'if a son is born to the wife of a dead man, a eunuch, an invalid, etc.' (which shows that such men can have a 'soil-born' son, and this is possible only if they have wives).

Or, the verse may be taken as indicating that in the case of such men, marriage could only be prompted by lust. If marriage were prompted entirely by religious motives, how could there be any marriage for the men mentioned, being as they are not entitled to the performance of any religious rites? Then again, the person born blind, the lame, and the eunuch of the 'airy semen,' have been declared to be fit for the Initiatory Ceremony; the lunatics and others of that kind however are not fit for that ceremony; how then can there be any marriage in the case of these latter?

'*And the rest*'—stands for only those already mentioned above (*i.e.*, the *invalid*, etc.); but if the phrase '*and*

the rest' were taken as including *all*, then the '*outcast*' also would become included, which, being contrary to Law, would be undesirable.

Or, the present rule may be taken as referring to the case where the man becomes *insane* or otherwise disabled, after he has been 'initiated' and 'married.'

"But the clause '*if they happen to have longing for a wife*'—could not apply to the case of those who are already married."

Not so; 'longing for a wife' (which has been explained as meaning *desire for sexual intercourse*) is quite possible in the case of married men.

The older writers have found in the present rule something that is usefully applicable to the case of also such marriages as are contracted for purely religious purposes. So that for the eunuch also,—who is entitled to the performance of such rites as are prescribed by *Smṛtis*—it is only right that there be marriage, even in the absence of sexual desire. As for the rites prescribed in *Shrutis*, it is only one who has already got a son that is entitled to the 'laying of fire' (which is a necessary accompaniment for those rites); so that the eunuch can never be entitled to them. And it has been already explained what really prompts the marriage in such cases.—(203)

SECTION (27)—PROPERTY OF BROTHERS, AND THEIR MUTUAL RELATIONSHIP.

VERSE CCIV

WHATEVER PROPERTY THE ELDEST BROTHER ACQUIRES AFTER THE DEATH OF THE FATHER, A SHARE OF THAT SHALL BELONG TO THE YOUNGER BROTHERS, IF THEY ARE DEVOTED TO LEARNING.—(204)

Bhāṣya.

If the eldest brother acquires more property, either through some hereditary friend, or from the king or his ministers or his priests, or out of the farm, by the employment of special methods,—such property shall be common to all the brothers; and the eldest brother shall not entertain any such notion as that—'this property, which was not acquired by our father, has been acquired by me, through my own efforts, and hence it is mine only.'

'*Devoted to learning*';—this shows that the rule here laid down pertains to mechanics, artisans and others who subsist by learning; such as physicians, dancers, musicians and so forth.—(204)

VERSE CCV

BUT IF ALL OF THEM ARE UNLEARNED, AND THE PROPERTY IS ACQUIRED BY THEIR LABOUR,—THE DIVISION IN THAT CASE SHALL BE EQUAL, THE PROPERTY BEING NOT ANCESTRAL. SUCH IS THE SETTLED RULE. —(205)

Bhāṣya.

'*Unlearned*'—*i.e.*, devoted to agriculture, trade, service of the king and so forth.

In this case no attention is to be paid to the larger or smaller amount of property acquired by them. But even so, if some one of them happens to acquire a very large property, that of course is not to be divided among others.

This verse is in reality meant to be prohibitive of the 'preferential share' of the eldest brother.

If the difference in the properties acquired by them is small, the shares shall be equal.

'*The property being not ancestral*';—the addition of this reason clearly indicates that this same rule applies also to the case of the property of a childless person.—(205)

VERSE CCVI

THE GAINS OF LEARNING SHALL BE THE SOLE PROPERTY OF THE MAN BY WHOM THEY HAVE BEEN ACQUIRED; AS ALSO FRIENDLY PRESENTS, MARRIAGE—PRESENTS, AND PRESENTS RECEIVED IN CONNECTION WITH THE 'HONEY—MIXTURE.'—(206)

Bhāṣya.

'*Learning*'—teaching, *etc.*, as also proficiency in an art.

'*Friendly presents*'—Presents received from friends.

'*Marriage—presents*'—in the shape of dowry and the like.

'*In connection with the honey-mixture*'—*i.e.*, in consideration of priestly functions. Though this also is a 'gain of learning,' yet it has been mentioned separately, because it is obtained by means of the special kind of work of officiating at sacrifices.

'*Marriage—presents*'—stand for all that is received from the father-in-law's house. Others explain it to mean any presents that are made to one in connection with his marriage.—(206)

VERSE CCVII

AMONG BROTHERS, IF ANY ONE, BEING QUITE COMPETENT THROUGH HIS OWN PROFESSION, DOES NOT DESIRE THE PROPERTY, HE SHALL BE DEBARRED FROM HIS SHARE, AFTER A LITTLE HAS BEEN GIVEN TO HIM BY WAY OF MAINTENANCE.--(207)

Bhāṣya.

When several brothers are living together, and jointly manage their ancestral property by cultivation and other means, if any one of them does not help in the management,—it is the debarring of such a brother that is declared here.

'*He shall be debarred*'—set aside—'*from his share*' in the nett profits of the estate. These profits shall not be given to the said brother; he however is not to be debarred from the main ancestral estate. But the profits also shall not be wholly taken away from him; a part of his share of the profits shall be taken by the others, in exchange for their own labour, and the remainder shall be given to him '*by way of maintenance*.'

Or '*nirbhājyaḥ*' may mean 'shall be separated,' 'not allowed to live jointly.' Because, it is just possible that after some time he may acquire more property and become entitled to an equal share (?) In such a case what the allotment of shares shall be has been indicated by Nārada, whose declaration shows that the man is to have a larger share in the porperty named, and only a small share in what is not so named. (?)—(207)

VERSE CCVIII

IF ONE OF THEM ACQUIRES SOMETHING BY HIS OWN EFFORT, WITHOUT INTERFERING WITH THE PATRIMONY,—THAT PROPERTY, BEING ACQUIRED BY HIS

OWN LABOUR, HE NEED NOT GIVE TO OTHERS, UNLESS HE HIMSELF WISHES IT.—(208)

Bhāṣya.

It has been already declared that a man need not give what he acquires by his learning; this verse lays down that he need not give what he himself acquires by agriculture and other means.

"This verse alone would have been enough: 'the man need not give, unless he wishes it, what he acquires by his own labour'; what was the need for the other verse making special mention of the 'gains of learning'?.

The answer to this is that there is no individual 'effort' or 'labour' involved is the case of 'friendly presents,' 'marriage presents,' and the like; hence it was necessary to have a distinct verse referring to these.—(208)

VERSE CCIX

IF THE FATHER RECOVERS A LOST ANCESTRAL PROPERTY, HE SHALL NOT, UNLESS HE SO WISHES, SHARE IT WITH HIS SONS,—BEING, AS IT IS HIS SELF-ACQUIRED PROPERTY.—(209)

Bhāṣya.

If in addition to what he has inherited, the father recovers such ancestral property as had become lost, he shall not, unless he wishes it, share it with his sons, even after these latter have attained their majority.

"But what would be the occasion for partition among sons while the father is still alive?"

The answer to this is that such an occasion would arise when the father himself proceeds to make the division among his sons. This is what has been thus declared (by *Gautama*, 28.2)—'When their mother has ceased to menstruate, and when the father, though living, desires it, the sons shall divide the property';—and

again 'When the father has ceased to have any longings, and when he has ceased to have intercourse with his wife' (*Nārada* 13. 3).

As a matter of fact, if there were no such restrictions, the son would become entitled to their grandfather's property as soon as they were born; as it has been declared that—'over the property movable or immovable, that has been left by the grandfather, both the father and the son have the same right.' Having this right, all the sons are entitled to equal shares in their grandfather's property; since *shares* only follow the *right*.

The father, after the birth of his son, shall not invest his ancestral property in mortgages or purchases; but using it for the proper maintenance of his family however has been permitted. In actual practice, even though, under the circumstances, the sons have a right over the ancestral property, yet from the deprecatory assertion—'the sone who divide the property against their father's wish are to be deprecated'—it follows that the sons who force the partition on their father incur a sin. Such as even though one may acquire property by receiving constant gifts, yet the act of acquiring such property is blameworthy. Similarly, even though the property (thus shared with the unwilling father) is the hereditary property of the sons, yet it is open to censure. For this reason, so long as they have any other means, the sons should never ask their father for a partition; as such asking would be immoral.

As a matter of fact, even in the case of the father's self-acquired property, he himself divides it among his sons as soon as they have attained their majority and he finds them duly qualified. It has also been declared that—'when the father has reached old age, he shall himself divide the property among his sons, allotting to the eldest a preferential share, and equal shares to the rest,' (*Nārada*, 13. 4). This, however, does not apply to the property that may have

been left by the grandfather ; because, out of that, the father has no power to allot any 'preferential share'—the right of both parties over it being equal.

As for the declaration—'unequal division has been declared to be legal, when made by the father' (*Yājñavalkya*, 2. 116),—this has been taken to apply to a certain extent to the grandfather's property also. In a case where there are no two full shares, there would be an exception, in the case of self-acquired property. (?)—(209)

VERSE CCX

IF BROTHERS, LIVING TOGETHER, AFTER HAVING DIVIDED ONCE, HAPPEN TO MAKE A SECOND PARTITION, THE DIVISION IN THAT CASE SHALL BE EQUAL ; IN SUCH CASES THERE IS NO 'PRIMOGENITURE.'—(210)

Bhāṣya.

The meaning of the verse is quite clear. It is meant to forbid the 'preferential share' which would appear to be the standing rule in connection with all partition; specially in view of what has been said above (205) regarding 'the property being not acquired by the father' (205). It is only out of all kinds of property *acquired by the father* that there is to be a 'preferential share.' In the present case, however, the property might in a sense be regarded as 'acquired by the father,' and hence, the possibility of the 'preferential share,'—which, therefore, has had to be expressly denied.—(210)

VERSE CCXI

IF THE ELDEST OR THE YOUNGEST OF THE BROTHERS SHOULD BE DEPRIVED OF HIS SHARES,—OR IF EITHER

OF THEM DIES,—HIS SHARE DOES NOT BECOME LOST.—(211)

Bhāṣya.

If among the brothers, '*the eldest or the youngest*' brother '*should be deprived of his share*'—by being found to be debarred on account of having become an out-cast or some such disability,—or '*if he dies*'—'*his share does not become lost*';—how this share shall be disposed of is explained in the following verse.—(211)

VERSE CCXII

HIS UTERINE BROTHERS, COMING TOGETHER, SHALL DIVIDE IT EQUALLY ; AS ALSO THE UNITED BROTHERS AND CONSANGUINEOUS SISTERS.—(212)

Bhāṣya on (212).

The property shall be taken by those '*uterine brothers*' who may have been '*united*' with him in property ;— also '*consanguineous sisters*'—*i.e.*, those that are unmarried ; it is only these that are called '*consanguineous, sanābhi*' (which is the term used in the text) ; those that are married go over to the 'family' of their husbands, and hence no longer remain 'consanguineous' to their brothers.

'*And those brothers that are united*'.—The particle *cha*,' 'and,' includes the 'sisters' also.

This should not be taken to mean that the property shall be taken 'by the uterine brothers, and also *by such brothers as may be united*.' As in that case those others also who are *not uterine*, but *united*, would be entitled to a share in the property. Among the *uterine* brothers, there may be some that are *united* and others that are *not united* ; and where there are *uterine* brothers, united and not united, it is these that would divide the property among themselves.

Nor would this militate against the following text—'A brother born of another mother, even though united, shall not take the property of his half-brother; while a uterine brother, even though not united, shall take it, but not the brother born of a different mother.' (*Yājñavalkya*, 2.139). The meaning of this is as follows:—'Even though united, the half-brother does not receive the property, if a uterine brother is there, even though not united; while among the uterine brothers, he alone shall receive it who is *united*, and not any other, notwithstanding his uterine character.' This is what has been declared in the text—'Of one who is united with another brother, this united brother shall receive the property; and the uterine brother that of another uterine brother.' (*Yajñāvalkya*, 2.138). When, however, there are no *uterine* brothers at all, then the property shall be taken by such half-brothers as may be united, and none others. Among uterine brothers, even when separated, there is always some sort of 'proximity,' due to their living near one another; so that the function of the *uterine* brother would, in a general way, be accomplished by even those that may have separated. Hence it is that, among such uterine brothers also as may have separated, if one dies, his property shall go to the other uterine brother, whose share in the property can never totally disappear.

It would not be right to argue against this that—"at the time in question the share of the separated brother can never come up at all, and hence there is nothing that would disappear or not disappear." Since it has been declared that 'the son becomes the owner of the property as soon as he is born' (so that the ownership of all brothers over the ancestral property is innate in them);—but so long as the parents are alive, they have no mastery over it' (9.104); which shows that all the sons acquire ownership immediately after the father's death.—(212)

VERSE CCXIII

IF AN ELDEST BROTHER, THROUGH AVARICE, DEFRAUDS THE YOUNGER ONES, HE SHALL LOSE HIS 'SENIORITY' AND HIS SHARE, AND SHALL ALSO BE PUNISHED BY THE KING.—(213)

Bhāṣya.

'*Defrauding*' consists in cheating them out of their share in the property, as also that of the honours etc., that may be conferred by the king.

'*Loses his seniority*';—*i.e.*, is to be treated as an ordinary kinsmen (as laid down in 110). This does not preclude all that is due to him as the eldest brother.

He loses also his '*share*'—*i.e.*, the 'preferential share' due to him as the eldest brother.

'*Punished.*'—As the special form of punishment to be inflicted has not been specified, he shall be reprimanded or censured or fined, in accordance with the exact nature of his offence.—(213)

VERSE CCXIV

ALL BROTHERS ADDICTED TO EVIL DEEDS ARE UNWORTHY OF HAVING PROPERTY; AND THE ELDER BROTHER SHALL NOT HAVE A SEPARATE HOARD WITHOUT MAKING A CONTRIBUTION TO HIS YOUNGER BROTHERS.—(214)

Bhāṣya.

'*Addicted to evil deeds*'—doing such acts as are forbidden.

When all the brothers are working for the benefit of the whole family, if the eldest brother surreptitiously takes possession of and invests the property, under the impression that he would show them the 'principal' if they ask for it,—then he should be made to hand over to all the brothers, the principal along with the interest that may have accrued to it. But if at the very outset, he lays the whole property before

his brothers and says openly—'Here is the property, each of you take your share, I shall separate mine and earn interest on it,'—then they are not entitled to the interest thus earned; which belongs exclusively to the eldest brother, and forms his 'special hoard.' —(214)

VERSE CCXV

AMONG UNDIVIDED BROTHERS, IF THERE IS A JOINT CONCERN,—THE FATHER SHALL, ON NO ACCOUNT, MAKE AN UNEQUAL DIVISION AMONG HIS SONS.—(215)

Bhāṣya.

It has been said (*yājñavalkya*, 2.116) that—'an unequal division has been declared to be legal, if made by the father';—it is this that is denied here.

'*Joint concern,*'—*i.e.*, when all of them together earn something—one by agriculture, another by receiving gifts, another by service, while another takes care of what is earned by others, and invests them and uses them to the advantage of all; —all this shall be brought together and divided equally; and no excessive share shall be given to any one by the father, through his love for him.—(215)

VERSE CCXVI

IF A SON IS BORN AFTER PARTITION, HE SHALL RECEIVE THE PROPERTY OF THE FATHER ALONE; OR IF ANY OTHER SONS BE REUNITED, HE WOULD SHARE IT WITH THEM.—(216)

Bhāṣya.

After the partition has been made,—in which the father has taken two shares—if a son happens to be born, he shall receive these two shares, during the father's life-time, if the father wishes it so, or after the death of the father, and

his brothers shall not complain—'why should he have two shares?' If, however, such is not father's wish, then he shall be assigned by the others a share equal to their own.

If some of the sons become re-united with the father, after the partition has been made, then the father's share shall go to them; and the additional property arising therefrom shall be assigned by them as the share of the other brothers. This property thus accrues to the son united with the father; also after the father's death, he receives his share out of that same property (?),—in accordance with what has been said above under 210.

As regards the sisters, they are not entitled to any share until they have borne a child,—as declared by Vashiṣṭha.—(216)

SECTION (28)—SON'S PROPERTY INHERITED BY THE MOTHER.

VERSE CCXVII

THE PROPERTY OF A CHILDLESS SON SHALL BE INHERITED BY HIS MOTHER; AND IF THE MOTHER ALSO IS DEAD, HIS FATHER'S MOTHER SHALL RECEIVE THAT PROPERTY.—(217)

Bhāṣya.

The meaning of this verse has been alrealy explained (under 185).—(217)

VERSE CCXVIII

AFTER ALL THE ASSETS AND LIABILITIES HAVE BEEN DULY DISTRIBUTED, IF SOMETHING BE DISCOVERED AFTERWARDS,—ALL THIS MUST BE DIVIDED EQUALLY.—(218)

Bhāṣya.

Through ignorance, after the property, more or less, has been divided,—if something is discovered, it shall be equally divided; and in what is discovered after the division, there shall be no 'preferential share' for the eldest brother.—(218)

SECTION (29)—IMPARTIBLE PROPERTY

VERSE CCXIX

A CLOTH, A CONVEYANCE, AN ORNAMENT, COOKED FOOD, WATER, WOMEN, WHAT IS CONDUCIVE TO WELFARE AND PASTURE-GROUND,— THESE THEY DECLARE TO BE IMPARTIBLE.—(219)

Bhāṣya.

The singular number in 'cloth,' 'conveyance,' 'ornament,' and 'cooked food' is meant to be significant.

'*Conveyance*'—vehicle; such as a chariot, a cart and so forth.

'*Ornament*'—the ring and so forth.

'*Cloth*'—of ordinary quality, not what is exceptionally valuable.

'*Water*'—well, tank and so forth.

'*Women*'—female slaves.

'*Yogakṣēman*'—what is conducive ('*kṣēma*') to welfare ('*yoga*'); *e.g.*, experienced ministers, priests, councillors and so forth. These are helpful in guarding the household against thieves and others.

In another *Smṛti* it is found that 'there is no division of the dwelling-house.'

'*Pasture-ground*'—where the cattle graze.

From what is declared here it would follow that it is not absolutely true that there is nothing wrong in dividing what has been left by the father. But this denial is of that kind of which a transgression involves no sin. (?)—(219)

SECTION (30)—GAMBLING

VERSE CCXX

THUS HAS BEEN EXPOUNDED TO YOU PARTITION, AND THE APPOINTING OF THE 'SOIL-BORN' AND OTHER KINDS OF SONS IN DUE ORDER. NOW LEARN THE LAW RELATING TO GAMBLING.—(220)

(No Bhāṣya)

VERSE CCXXI

THE KING SHALL EXCLUDE FROM HIS REALM GAMBLING AND BETTING; THESE TWO EVILS BRING ABOUT THE DESTRUCTION OF THE KINGDOMS OF PRINCES. —(221)

(No Bhāṣya)

VERSE CCXXII

GAMBLING AND BETTING ARE OPEN THEFT; THE KING SHALL ALWAYS BE CAREFUL IN SUPPRESSING THEM. —(222)

(No Bhāṣya)

VERSE CCXXIII

THAT WHICH IS DONE THROUGH INANIMATE THINGS IS CALLED 'GAMBLING'; WHILE WHAT IS DONE THROUGH ANIMATE THINGS IS TO BE KNOWN AS 'BETTING.'— (223)

(No Bāṣhya)

VERSE CCXXIV

HE WHO EITHER DOES THE GAMBLING OR BETTING HIMSELF, OR HELPS OTHERS O DO THEM,—ALL THESE THE KING SHALL STRIKE; AS ALSO THOSE SHUDRAS WHO ASSUME THE GUISE OF TWICE-BORN MEN. —(224)

(No Bhāṣya)

VERSE CCXXV

GAMBLERS, DANCERS, CRUEL MEN, MEN BELONGING TO HERETICAL SECTS, MEN ADDICTED TO EVIL DEEDS, DEALERS IN WINE,—THESE THE KING SHALL INSTANTLY BANISH FROM HIS TOWN.—(225)

(No Bhāṣya)

VERSE CCXXVI

THESE DISGUISED THIEVES, LIVING IN THE KING'S REALM, CONSTANTLY HARASS THE WELL-BEHAVED PEOPLE BY THEIR EVIL DEEDS.—(226)

(No Bhāṣya)

VERSE CCXXVII

IN FORMER CYCLES GAMBLING HAS BEEN SEEN TO BE THE GREAT SOURCE OF ENMITY; THE WISE MAN SHALL THEREFORE NOT HAVE RECOURSE TO GAMBLING, EVEN IN JOKE.—(227)

(No Bhāṣya)

VERSE CCXXVIII

IF A MAN HAS RECOURSE, EITHER OPENLY OR SECRETLY, TO THIS (VICE), THE FORM OF PUNISHMENT IN-

FLICTED UPON HIM SHALL BE IN ACCORDANCE WITH THE KING'S DISCRETION.—(228)

Bhāṣya

The term '*vikalpaka*' means *various forms*.

It depends entirely upon the King's wish. (?)

From the words 'learn the law relating to gambling' (221) onwards, there are only two or three verses that are injunctive, the others are purely declamatory.—(228)

SECTION (32)—MISCELLANEOUS PUNISHMENTS

VERSE CCXXIX

The *Kṣattriya*, the *Vaishya* and the *Shūdra*, when unable to pay a fine, shall discharge the liability by labour; the *Brāhmaṇa* may pay it by instalments.—(229)

Bhāṣya

The *Kṣattriya* and the rest, when devoid of property, should not be harassed by imprisonment; they should make good the amount of fine due to the king '*by labour*',—such work as may be in keeping with the character of the man, and profitable to the king.

The Brāhmaṇa shall be made to pay it '*by instalments*'—so that his family may not suffer from want. Imprisonment, beating and such chastisements are forbidden for the Brāhmaṇa.

What has been laid down before pertains to the repayment of the debt to the debtor, while the present verse pertains to the payment of fines. There is thus no repetition.—(229)

VERSE CCXXX

On women, boys, men out of their minds, the old, the poor and the sick, the king shall inflict punishment with creepers, barks, ropes and so forth.—(230)

Bhāṣya

'*Punishment*'.—The persons meant here are such poor people as are incapable of doing labour. As these would

stand on the same footing as the 'great sinners', they shall be chastised with the creeper etc.

'*Shiphā*' is *creeper*, and '*vidala*'—*tree-bark*.—(230)

VERSE CCXXXI

IF THE OFFICERS DEPUTED TO LOOK AFTER THE BUSINESS OF SUITORS SHOULD, FIRED BY THE HEAT OF WEALTH, HAMPER THAT BUSINESS,—THESE THE KING SHALL RENDER PENNILESS.—(231)

Bhāṣya

Those officers who have been '*deputed*'—appointed—'*to look after the business*'—investigation of cases and so forth—'*of suitors*',—as representatives of the King;—if these, '*fired by the heat of wealth*'—*i.e.* having received bribes from either party—'*hamper that business*',—'*these the king shall render penniless*',—*i.e.* he shall confiscate all their property.

Though for the delinquency of officers a distinct punishment is going to be prescribed (in 234), yet what is here laid down refers to the case of repeated offences.

Other officers also—such as the commander of an army and the like—when ordered against a certain party, take bribes from him, and do not proceed to capture him;—these also shall be met with the same punishment.

Others read '*aniyukta*' (for 'niyukta'); and in that case the meaning is—'If some persons though not appointed to any office, proceed to help one or the other party,—either on account of their considering themselves the king's favourites, or of their being very rich,—and thus prevent justice being done to the other party,—they shall be punished as here prescribed.'

In this case, the epithet '*fired by the heat of wealth*' (*i. e.* bribed) would not have any significance; *not* '*appointed*' being the most significant qualification in this case.—(231)

VERSE CCXXXII

FORGERS OF ROYAL PROCLAMATIONS, SOWERS OF DISAFFECTION AMONG THE PEOPLE, THE SLAYERS OF WOMEN, INFANTS AND *Brāhmaṇas*, AND THOSE SERVING HIS ENEMIES,—THE KING SHALL PUT TO DEATH. —(232)

Bhāṣya.

'*Forgers of Royal proclamations*'—give out as done by the king what is not done by him. '*Proclamations*'—royal edicts, such orders as 'No one shall eat at the house of such and such a person', 'such and such a favour has been conferred upon this man', 'such is the law that has been laid down by the king', and so forth—are always entered upon a piece of paper, written by the hand of the royal scribe, and are then known as the 'Royal proclamation'. And people may forge these—*i.e.*, misrepresent them.

'*Sowers of disaffection among the people*',—who spread disaffection ,among such of the people as may have some grievance or may be too greedy and so forth;—also the slayers of woman and infants and of Brāhmaṇas;—'those that serve his enemies'—secretly carrying on visits to them. —(232)

VERSE CCXXXIII

WHATEVER HAS BEEN FINALLY SETTLED AND WHATEVER PUNISHMENT HAS BEEN INFLICTED,—HE SHALL ACCEPT AS LAWFULLY DONE, AND SHALL NOT ANNUL IT—(233)

Bhāṣya.

Whenever a transaction in the King's Court has been '*finally settled*',—the root '*tīr*' (in '*tīrtam*') denoting *completion*,—*i.e.* definitely concluded,—not only verbally, but duly recorded;—as also 'when a punishment has been inflicted';—all this the king shall '*accept as lawfully done, and shall not annul it*';—except in the case of the doubling of a fine,—which is thus recommended—'the king shall revise the case with a view to inflicting a double fine'.—(233)

VERSE CCXXXIV

IF THE COUNCILLORS OR THE JUDGE DECIDE A CASE UNFAIRLY, THAT CASE THE KING HIMSELF SHALL REVISE AND FINE THEM ONE THOUSAND.—(234)

Bhāṣya.

The confiscation of property laid down above (under 231) was in connection with the taking of bribes; the present text deals with the miscarriage of justice through ignorance or such other causes.

'*Councillors*'—representatives of the King.

'*He shall fine him one thousand*';—the sentence refers to the whole set of officers; just as by the sentence 'the Gargas shall be fined one hundred', the fine falls upon the whole community of 'Gargas'.—(234)

SECTION (33)—MORTAL SINS

VERSE CCXXXV

THE SLAYER OF A *Brāhmaṇa*, THE DRINKER OF WINE, THE THIEF AND THE VIOLATOR OF THE PRECEPTOR'S BED,—ALL THESE INDIVIDUALLY SHOULD BE KNOWN AS MEN WHO HAVE COMMITTED HEINOUS CRIMES.—(235)

Bhāṣya.

'*Drinker of wine*'—is a 'heinous criminal' only when he is a Brāhmaṇa.

'*Thief*'—*i.e.*, one who has stolen gold from a Brāhmaṇa.

This is a reiteration of what has been already said before, made with a view to what follows.—(235)

VERSE CCXXXVI

EVEN ON ALL THESE FOUR, IF THEY DO NOT PERFORM THE EXPIATORY PENANCE, THE KING SHALL INFLICT CORPORAL PUNISHMENT ALONG WITH FINE, IN ACCORDANCE WITH THE LAW.—(236)

Bhāṣya.

Even though the Brāhmaṇa alone becomes a heinous criminal by drinking wine, yet even for him there is to be corporal punishment,—though no corporal punishment has been laid down for the Brāhmaṇa before this. This follows from the force laid upon the term '*four*' in this verse.

Others, however, have explained this '*corporal punishment*' as standing for *branding*; and this would be done in the case of the Brāhmaṇa also.

Others again explain the particle '*api*' as '*even*,' and declare that the penalty here laid down is meant for all the *five* kinds of 'heinous criminals;' the construction being that—'this punishment is to be inflicted on *even* all these four, as also on the *fifth*, in the shape of the person associating with these four.'

For the crime of '*Brāhmaṇa-slaying*,' 'corporal punishment' has been already laid down above,—in the rule that—'the king shall put to death those who kill a woman, an infant or a Brāhmaṇa.'

From what follows in the next verse it is clear that 'corporal punishment' here stands for *branding*.

'*According to the law*,'—'he shall make due discrimination regarding the greater or less seriousness of the crime.'—(236)

VERSE CCXXXVII

For violating the preceptor's bed the sign of the female organ shall be branded; for drinking wine that of the tavern; for theft that of the dog's foot; and for killing a *Brāhmaṇa* that of a headless man.—(237)

Bhāṣya.

From the prohibition of branding the forehead (in certain cases, contained in 240)—'People shall not be branded on the forehead,'—it follows that the branding here laid down is to be done on the forehead.—(237)

VERSE CCXXXVIII

Debarred from entertainments, debarred from sacrifices, debarred from education, excluded

FROM ALL RELIGIOUS ACTS, THESE SHALL WANDER OVER THE EARTH; ABJECT AND DESPISED.—(238)

Bhāṣya.

Exclusion from '*all religious acts*' including exclusion from 'entertainments' and the rest also, these latter have been separately mentioned, with a view to indicate the seriousness of the offence.

'*Entertainments*'—dinner parties, musical parties and so forth.

'*Sacrifices*'—*i.e.*, helping them to perform sacrifices.

Similarly with 'education.'

If the reading is '*asampāṭhyavigarhitāḥ*'—the compound would be '*asampāṭhya* and *avigarhita*,' 'excluded from education and undespised.'

'*Abject*'—*i.e.*, even though possessed of wealth, they shall live on alms, and shall be clothed in rags and so forth (?).—(238)

VERSE CCXXXIX

BEING BRANDED, THESE SHALL BE ABANDONED BY KINSMEN AND RELATIONS, DEPRIVED OF ALL SYMPATHY AND GREETINGS;—SUCH IS THE TEACHING OF MANU.—(239)

Bhāṣya.

'*Branded.*'—This implies that branding must be done.

No sympathy shall be extended to them, even when struck by disease or other calamities. Even though they be endowed with seniority and other qualifications, they shall not be received with greetings or any marks of honour or welcome.

That such is the law is to be directly learnt from the words of the text itself.—(239)

VERSE CCXL

BUT MEN OF THE SENIOR CASTES, WHO PERFORM THE EXPIATORY PENANCES, AS PRESCRIBED, SHALL NOT BE BRANDED ON THE FOREHEAD BY THE KING ; THEY SHALL BE MADE TO PAY THE HIGHEST AMERCEMENT. —(240)

Bhāṣya.

'*Senior castes*'—All castes other than *Shūdras*. If they perform the prescribed expiatory penances, there is to be no branding; and their punishment shall consist of the 'highest amercement;' that is they should be made to pay a thousand '*paṇas*.'—(240)

VERSE CCXLI

FOR OFFENCES COMMITTED BY THE *Brāhmaṇa* THE MIDDLE-MOST AMERCEMENT SHALL BE INFLICTED ON HIM; OR HE SHALL BE BANISHED FROM THE KINGDOM, ALONG WITH HIS GOODS AND CHATTELS.—(241)

Bhāṣya.

The condition of expiatory penances being performed does not apply to what is asserted here.

In the case of all these offences—of Brāhmaṇa-slaughter and the rest—the Brāhmaṇa shall be fined 'the middle-most amercement.'

The qualification '*unintentionally*' of the next verse has to be construed with this also.

After he has paid the fine, he should be made to perform the expiatory penances.

'*Along with his goods and chattels.*'—This is a special favour to be granted in the case of highly qualified Brāhmaṇas.

In the case of the offence being *unintentional*, he may not be banished.—(241)

VERSE CCXLII

BUT OTHERS WHO HAVE COMMITTED THESE OFFENCES UNINTENTIONALLY, DESERVE TO HAVE THE ENTIRE PROPERTY CONFISCATED ; AND DEATH, IN THE CASE OF THEIR BEING INTENTIONAL.—(242)

Bhāṣya.

'*Others*'—*the Kṣatṭriyas* and other castes,—when they have committed '*these offences*'—the most heinous crimes,—'*unintentionally*'—without actually wishing it,—should have all their property confiscated.

Some people hold that this is another punishment laid down for those who have performed the expiatory penances,—alternative to the one prescribed in the foregoing verse.

In the case of these crimes being committed '*intentionally*,' death has been prescribed as the penalty.

In the case of the *Shūdra*, if the crime has been committed intentionally, there is to be 'branding' and 'confiscation of the whole property'; and if it has been done intentionally, he shall be put to death.—(242)

SECTION (33)—DISPOSAL OF THE FINE REALISED FROM THE WORST OFFENDERS.

VERSE CCXLIII

The righteous King shall not appropriate the property of the man guilty of a heinous crime; if, through greed, he takes it, he becomes tainted with that guilt.—(243)

Bhāṣya.

" It has been laid down that fines constitute one of the sources of income for the King; why then should it now be declared that he shall not appropriate such property ? "

This has been explained under the text '*Rājanirdhūtadaṇḍaḥ etc., etc.,*'—(243)

VERSE CCXLIV

He shall deposit such property in the water and offer it to *Varuṇa*, or bestow it on a *Brāhmaṇa* endowed with learning and character.—(244)

Bhāṣya.

'*This to Varuṇa*'—thinking thus in his mind, he shall deposit the fine in water; or bestow it upon a Brāhmaṇa equipped with learning and character.—(244)

VERSE CCXLV

***Varuṇa* is the lord of punishment, as he holds the sceptre over the King; while the *Brāhmaṇa*, well versed in the Veda, is the lord of the whole world.—(245)**

Bhāṣya.

This is a hortatory supplement to the foregoing injunction of the disposal of the fine.

Varuṇa is the lord of the fine imposed upon the worst offenders; since '*he holds the sceptre over*'—is the leader, lord of,—Kings; similarly the *Brāhmaṇa* is the lord of their property. Consequently such property shall not be appropriated by the king.—(245)

VERSE CCXLVI-CCXLVII

IN A COUNTRY WHERE THE KING AVOIDS THE INCOME OF WEALTH FROM SINNERS, MEN ARE, IN TIME, BORN TO BE LONG-LIVED—(246) THE CROPS OF HUSBANDMEN GROW, ACCORDING AS THEY ARE SOWN; CHILDREN DO NOT DIE, AND NO MIS-SHAPED CHILD IS BORN.—(247)

Bhāṣya.

These declamatory assertions are well-known.

'*Are in time born*';—what is meant is also the present birth *i.e.*, persons already born, or going to be born.

'*Mis-shaped*'—devoid of eyes, or of ears and so forth—(246-247)

VERSE CCXLVIII

IF A LOW-BORN PERSON INTENTIONALLY HARASSES A *Brāhmaṇa*, THE KING SHALL STRIKE HIM WITH VARIOUS TERROR-STRIKING FORMS OF CORPORAL PUNISHMENT.—(248)

Bhāṣya.

'*Low-born person*'—Shūdra.

'*Harassing*' consists in taking away the property, etc.

The various forms of corporal punishment such as *beheading, branding, striking with the sword* and so forth,—all of which are '*terror striking*,' sources of long suffering—(248)

SECTION (34)—PUNISHMENT OF THE NOT GUILTY AND ACQUITTING OF THE GUILTY

VERSE CCXLIX

THE SIN INCURRED BY THE KING IN STRIKING ONE WHO DOES NOT DESERVE IT, IS THE SAME AS THAT IN ACQUITTING ONE WHO DESERVES TO BE STRUCK; BUT MERIT ACCRUES TO HIM IF HE CHASTISES JUSTLY. —(249)

Bhāṣya.

The sin incurred by the king in punishing the innocent is equal to that incurred in acquitting the guilty,—in connection with the above-mentioned crimes.

The king receives taxes for fulfilling certain duties; if he fails to do these, he incurs sin; but the due fulfilment of these does not necessarily involve spiritual merit. As for the declaration—'*merit accrues to him if he chastises justly*', —which speaks of merit accruing—all this is merely com mendatory of the injunction regarding the fulfilment of one's duties.

The teaching regarding 'punishments' is for the purpose of preventing crime; hence they shall be inflicted, according to law, by various methods of corporal punishment. The declarations made in this connection pertain to the accomplishment of all such kingly duties as are conducive to temporal ends; *e.g.* the punishing of the 'haughty', the 'warlike' and so forth. And as the teaching pertains to visible ends, it is not the actual *death-penalty* that shall be inflicted in all cases. Hence if the intended chastisement is secured by other means, there would be nothing wrong in this.—(249)

VERSE CCL

THIS HAS BEEN EXPOUNDED AT LENGTH-INVESTIGATION OF SUITS BETWEEN TWO LITIGANTS, BEARING UPON THE EIGHTEEN TITLES OF DISPUTE.—(250)

Bhāṣya.

This verse sums up the entire section on *Law-suits.* —(250)

—————

SECTION (35)—CONSOLIDATION AND SETTLEMENT OF THE KINGDOM

VERSE CCLI

THE KING THUS DULY DOING HIS LAWFUL WORK, MAY SEEK TO ACQUIRE TRACTS OF LAND NOT ALREADY ACQUIRED, AND SETTLE THOSE ALREADY ACQUIRED. —(251)

Bhāṣya.

'*He may seek to acquire what he has not already acquired*',—*i.e.*, he shall not remain contented with what he has already got.—(251)

VERSE CCLII

HAVING DULY SETTLED HIS KINGDOM, AND HAVING BUILT FORTS ACCORDING TO THE INSTITUTES, HE SHALL APPLY HIS BEST EFFORTS TO THE 'REMOVAL OF THORNS.'—(252)

Bhāṣya.

'Settlement of the country' and 'building of forts' as described under Discourse VII.;—having done these, the king shall remove the 'thorns'; as this also is conducive to the 'settlement' of the Kingdom.

The term 'thorn' is applied to robbers and others who are a source of suffering to the people.—(252)

VERSE CCLIII

KINGS, INTENT UPON PROTECTING THE PEOPLE, GO TO HEAVEN, BY PROTECTING THE WELL-BEHAVED AND BY REMOVING THE 'THORNS'—(253)

Bhāṣya.

What has been indicated in the foregoing verse is now explained.

'*The well-behaved*'—those whose behaviour is right, —*i.e.*, consists in doing what is sanctioned by the Scriptures and avoiding what is forbidden by them. The compound belongs to the '*madhyamapadalopi*'—ellyptical —class. Thus are included all Vedic Scholars and the poor and destitute, who pay no taxes. So that by extending his protection over these men, it is only right that the king should go to heaven. In the case of other people, since the right of protection is purchased by the payment of taxes, the king incurs sin by neglecting it; as is going to be declared in the next verse 'he falls off from heaven'. By repaying with protection what he receives in the form of taxes, the king is only saved from sin, and he does not obtain heaven.

Or the declaration regarding heaven may be based upon the due fulfilment of his duties, as already mentioned above.

Others have held the following opinion:—The declaration regarding the king going to heaven is purely declamatory. In fact the protecting of those who pay no taxes is also included in the king's 'functions', since those people also form part of his '*kingdom*', the protecting whereof forms the chief function of the king. [So that for doing this also there can be no reward in the shape of Heaven]. Just as artisans, who ply their trade for a living, work for the king for one day during the month;—when they are made by the king to do his work, in lieu of his taxes; in the same manner the king also, who carries on his work for a living, and engages himself in protecting the people, is made by the Scriptures to protect the well-behaved people, as an obligatory duty. Again the man who has laid the fires, prompted by the declaration of rewards, engages

himself in obligatory rites, but not with a view to obtaining Heaven or any such rewards,—for the simple reason that such rites have not been prescribed as bringing about rewards; and yet they are duly performed. Exactly similar would be the case with the King's action in protecting his whole Kingdom.

Thus all the declarations of rewards that there are, are to be regarded as purely declamatory;—as has been declared by Viṣṇusvāmin (?)—(253)

VERSE CCLIV

IF A KING DOES NOT REPRESS THIEVES AND YET RECEIVES HIS TAXES, HIS KINGDOM BECOMES PERTURBED AND HE FALLS OFF FROM HEAVEN.—(254)

Bhāṣya.

'*Repression*';—the punishment of thieves and others according to rules laid down in the Scriptures—by the inflicting of corporal and other forms of punishment;—without which the protection of the people is not possible.

Hence if the king receives taxes and yet fights shy of repressing thieves, he incurs the two dangers—in this world, trouble in his kingdom, and in the next, the loss of Heaven. It is only right that blame should attach to the King who receives taxes and yet does not repay it by service.—(254)

VERSE CCLV

IF HOWEVER HIS KINGDOM, RESTING ON THE STRENGTH OF HIS ARMS, IS SECURE FROM DANGER,—IT FLOURISHES CONSTANTLY, LIKE A WELL-WATERED TREE. —(255)

Bhāṣya.

What is already known is reiterated here, with reference to thieves.—(255)

SECTION (36)—WHO ARE 'THORNS'?

VERSE CCLVI

THE SPY-EYED KING SHALL DISCOVER THE TWO KINDS OF THIEVES WHO TAKE AWAY THE PROPERTY OF OTHER MEN,—THOSE THAT ARE 'OPEN' AND THOSE 'CONCEALED'—(256)

Bhāṣya.

Throughout the realm, hidden spies should find out all that pertains to the king's business; and hence they are spoken of as his 'eyes', and the king called '*spy-eyed*'.

Though the action of the 'open' thief does not stand on the same footing as that of the 'concealed' one—such as those who prowl about at night in forests etc.—yet both have been mentioned together for the purpose of indicating the equality of the punishment to be meted out to them.—(256)

VERSE CCLVII

OF THESE, THE 'OPEN' CHEATS ARE THOSE WHO MAKE A LIVING BY DEALING IN VARIOUS COMMODITIES, AND THE 'CONCEALED' CHEATS ARE BURGLARS, ROBBERS IN FORESTS AND SO FORTH.—(257)

Bhāṣya.

There are some traders who rob people by having recourse to false weights and measures; then there are those that evade the export and import duties; all such traders belong to the class of '*open cheats*'.

'*Concealed cheats*'—are those burglars and robbers who rob people during the night and in forests and other

desolate places. There are some again who rob people by attacking them with force.

These are not the only 'thorns'; but also those that are going to be mentioned below.—(257)

VERSE CCLVIII

THOSE WHO TAKE BRIBES, DISSEMBLERS, CHEATS AND GAMBLERS, FORTUNE-TELLERS AND PALMISTS.—(258)

Bhāṣya.

Those who are addicted to taking bribes for doing some work for people, at the royal Court or with ministers etc.

'*Dissemblers*.'—efficient in the art of dissembling; saying one thing and doing another; openly professing love and secretly doing injury. These persons do not always accept anything; they simply win the confidence of men by means of such tricks as—having come to know that a certain business of the man is going to succeed, they go to them and say 'I am going to do this work for you.' They also make use of threats sometimes.

'*Gamblers*'—who carry on gambling as a means of adding to their income.

'*Cheats*'—those who mislead people; having promised to do a certain work, they do not do it; and having approached the people of the village, they adopt various methods to cheat them out of their property. To this class belong the persons who are known as '*Shivamādhavas*'; they make Shiva or Viṣṇu the means of living.

'*Fortune-tellers*'—astrologers and foretellers;—or persons who approach rich men with such words as 'for your sake I shall win the favour of Durgā or Sūrya or such other gods and goddesses,' and making a living by it. Or, the term may stand for those who make a living by pronouncing the auspicious formula 'May this be so.'

'*Palmists*'—who read the character of men from their palms.—(258)

VERSE CCLIX

MISBEHAVING HIGH OFFICIALS AND PHYSICIANS, ART-EXHIBITORS, AND CLEVER HARLOTS.—(259)

Bhāṣya.

'*High officials*'—Such as ministers, priests and other attendants of the king;—if they 'misbehave,' act improperly.

'*Physicians*'—Medical practitioners.

'*Art-exhibitors*'—Picture-painters, decorators, cooks and so forth; who show before people the product of their arts, and make a living by it.

'*Clever harlots*'—Those that can stimulate love. The epithet '*misbehaving*' goes with all the terms.—(259)

VERSE CCLX

THESE AND OTHERS OF THE SAME KIND ONE SHOULD KNOW AS THE OPEN 'THORNS' OF THE PEOPLE; AND OTHERS, WHO ARE ROGUES IN THE GUISE OF GENTLEMEN, AS 'DISSEMBLERS.'—(260)

Bhāṣya.

'*Others of the same kind.*'—It is not possible to enumerate each and every kind of rogue addicted to robbing other persons; hence this phrase;—*e.g.*, there is one class of men who come and tell a man who is stricken with a certain woman that she is in love with him, though in reality she hates him; and another who, though not a servant, behaves as if he were one, and thus robs a simple-minded man of his gold; others again who flatter the foolish rich with such words as 'you are Brahmā,' 'you are Bṛhaspati' and cheat them out of their riches; telling him—'kindly give me such and such a thing, I shall repay it in a few days'; and as soon as their business is accomplished, they become scarce, and hitherto smooth-tongued, become harsh.—(260)

SECTION (37).—DETECTION OF CRIMINALS

VERSE CCLXI

Having discovered them through well-behaved and disguised men following the same occupations, as also through spies variously disguised, he shall exterminate them and bring them under his control.—(261)

Bhāṣya.

'*Those following the same occupations.*'—Persons who may have been addicted to 'robbery' etc., in the past, or who may be asked to do it even at the present time, with a view to become included in the gang and thereby learn their secrets and report them to the King; and also through spies variously disguised.—(261)

VERSE CCLXII

Having truly proclaimed their crimes in connection with their respective acts, the King shall duly inflict punishment on them, in accordance with their crimes and capacities.—(262)

(No Bhāṣya.)

VERSE CCLXIII

The crimes of evil-minded thieves secretly prowling over the earth cannot be suppressed without punishment.—(263)

(No Bhāṣya).

VERSE CCLXIV—CCLXVI

ASSEMBLY-ROOMS, WATER-DRINKING BOOTHS, SWEETMEAT SHOPS, BROTHELS, TAVERNS AND VICTUALLER'S SHOPS, CROSS-ROADS, TREES OF WORSHIP, FESTIVE GATHERINGS AND THEATRES;—(264)

OLD GARDENS, FORESTS, SHOPS OF ARTISANS, UNINHABITED HOUSES, GROVES AND GARDENS;—(265)—THESE AND SIMILAR PLACES THE KING SHALL CAUSE TO BE GUARDED BY COMPANIES OF SOLDIERS, STATIONARY AS WELL AS PATROLLING, AND ALSO BY SPIES,—IN ORDER TO KEEP AWAY THIEVES.—(266)

(No Bhāṣya.)

VERSE CCLXVII

HE SHALL DETECT AND EXTERMINATE THEM BY MEANS OF CLEVER REFORMED THIEVES, WHO ASSOCIATE WITH THEM, FOLLOW THEM AND BECOME APPRISED OF THEIR MACHINATIONS.—(267)

(No Bhāṣya).

SECTION (38)—TREATMENT OF CRIMINALS AND THEIR PUNISHMENT

VERSE CCLXVIII

THEY SHALL BRING THEM TOGETHER BY MEANS OF OFFERS OF FOOD AND DRINK, BY INTRODUCING TO *Brāhmaṇas*, AND BY EXHIBITION OF MARTIAL FEATS.—(268)

(No Bhāṣya.)

VERSE CCLXIX

THOSE AMONG THEM WHO DO NOT COME, AND THOSE WHO ARE CAREFUL IN THEIR DEALINGS WITH THE OLDER MEN,—THESE THE KING SHALL ATTACK BY FORCE AND DESTROY, ALONG WITH THEIR FRIENDS, KINSMEN AND RELATIONS.—(269)

(No Bhāṣya.)

VERSE CCLXX

THE RIGHTEOUS KING SHALL NOT PUT A THIEF TO DEATH UNLESS CAUGHT WITH THE STOLEN GOODS; WHEN HOWEVER ONE IS CAUGHT WITH THE STOLEN GOODS, AND THE IMPLEMENTS OF BURGLARY, HE MAY, WITHOUT HESITATION, PUT HIM TO DEATH.—(270)

(No Bhāṣya.)

VERSE CCLXXI

HE SHALL ALSO STRIKE ALL THOSE IN A VILLAGE WHO SUPPLY FOOD FOR THIEVES OR PROVIDE ROOM FOR THE GOODS.—(271)

(No Bhāṣya.)

VERSE CCLXXII

IF THOSE PERSONS WHO ARE ENTRUSTED WITH THE WORK OF GUARDING THE REALM, AND THOSE VASSALS WHO HAVE BEEN ORDERED TO ASSIST, SHOULD REMAIN NEUTRAL DURING THE RAIDS (AGAINST THIEVES), THE KING SHALL PUNISH THEM SPEEDILY, LIKE THIEVES. —(272)

(No Bhāṣya).

VERSE CCLXXIII

IF ONE WHO SUBSISTS ON RELIGION DEVIATES FROM RELIGIOUS ORDINANCES, HE SHALL PUNISH HIM SEVERELY BY A FINE,—FALLEN AS HE IS FROM HIS DUTY.—(273)

(No Bhāṣya).

VERSE CCLXXIV

IF PEOPLE DO NOT HASTEN TO ASSIST, TO THE BEST OF THEIR POWER, WHENEVER A VILLAGE IS ATTACKED, OR A DYKE IS BREAKING, OR A HIGHWAY ROBBERY IS BEING COMMITTED,—THEY SHOULD BE BANISHED ALONG WITH THEIR CHATTELS.—(274)

Bhāṣya.

If the men concerned are capable of rendering help, but desist, through laziness or some such cause,—they should be banished.

Those however who may have entered into some compact with the thieves, shall be put to death, as already laid down (under 269).

'*Chattels*'—cows, horses and so forth. All this also shall be sent away, and not confiscated. They should not

be deprived of their cattle, though their wealth may be confiscated.—(274)

VERSE CCLXXV

THOSE WHO ROB THE KING'S TREASURIES AND THOSE WHO ARE DISAFFECTED TOWARDS HIM, AS ALSO THOSE WHO CONSPIRE WITH HIS ENEMIES,—THE KING SHALL STRIKE WITH VARIOUS FORMS OF PUNISHMENT.—(275)

Bhāṣya.

'*Treasury*'—the place where the king's riches are stored; those who rob this are to be put to death, irrespectively of the quality or quantity of the property stolen.

Those also who behave disaffectedly towards him;—for instance, those who obstruct the king's attempts to import such rare foreign articles, as the coal-black horse which is rare for Easterners, or the elephant, which is rare for the Northerners,—or try to turn his friends into enemies, and try to bring about an alliance of these with his enemies,—and thus '*conspire with his enemies*'—and egg them on;—these he shall put to death.

It has been already explained that since the penalty is meant for the accomplishment of a definite purpose of the King, it need not always be actual *death*.—(275)

VERSE CCLXXVI—CCLXXVII

IF THIEVES COMMIT THEFTS AT NIGHT, AFTER BREAKING INTO A HOUSE, THE KING SHALL CUT OFF THEIR HANDS AND HAVE THEM IMPALED ON A POINTED STAKE;—(276) ON THE FIRST CONVICTION HE SHOULD HAVE TWO FINGERS OF THE CUT-PURSE AMPUTATED; ON THE SECOND A HAND AND A FOOT; AND ON THE THIRD HE SHOULD BE PUT TO DEATH.—(277)

Bhāṣya.

'*Cut-purse*'—one who cuts out a purse; *i.e.*, the opening of knots or bundles of cloth. Or the name 'cut-purse' may apply to those persons who are bent upon slinking away, on some pretext, with the property that has been stolen,—after loosening the knots with which he may have been bound.

When such a man has been detected in doing this for the first time, his fingers shall be cut off; on the second occasion a hand and a foot; and on the third, he shall suffer death.—(276-277)

VERSE CCLXXVIII

THE KING SHALL STRIKE LIKE THIEVES THOSE WHO PROVIDE FIRE, OFFER FOOD AND SUPPLY ARMS AND LODGING, AS ALSO THOSE WHO ABET THEIR ESCAPE.—(278)

Bhāṣya.

Those who provide for the thieves fire for warming themselves and such other purposes.

'*Arms*'—Cutlass and the like.

'*Abettors*'—Contrivers—'*of escape.*'

All these shall be dealt with like thieves.

'*Those who supply arms and lodging.*'—Though this has been already mentioned before, yet it has been added again by way of summing up all that is intended.—(278)

VERSE CCLXXIX

IF A MAN BREAKS OPEN A TANK, HE SHALL BE SLAIN IN THE WATER, OR BY SIMPLE FORM OF DEATH; OR, HE MAY REPAIR THE DAMAGE AND BE MADE TO PAY THE HIGHEST AMERCEMENT.—(279)

Bhāṣya.

'*Tank*'—has been mentioned only by way of an illustration.

The same thing applies to the 'stealing' of the water of a river also ;—say some people.

This however is not right; because the harm done in the breaking of the tank is very great; and it is only slight in the case of the breaking of a river-dam.

The law here laid down applies also to the case of cutting the embankments of a tank.—(279)

VERSE CCLXXX

THOSE WHO BREAK INTO A STOREHOUSE, AN ARMOURY, OR A TEMPLE, AND THOSE WHO STEAL ELEPHANTS, HORSES AND CHARIOTS,—HE SHALL PUT TO DEATH WITHOUT HESITATION.—(280)

(No Bhāṣya).

VERSE CCLXXXI

IF A MAN TAKE AWAY THE WATER OF A TANK DUG IN ANCIENT TIMES, OR CUT OFF THE SUPPLY OF WATER,—HE SHALL BE MADE TO PAY THE LOWEST AMERCEMENT.—(281)

(No Bhāṣya).

VERSE CCLXXXII

IF ONE THROWS FILTH UPON THE PUBLIC ROAD, EXCEPT IN DIRE NECESSITY,—HE SHALL PAY TWO *Kārṣāpaṇas* AND CLEAN THE FILTH IMMEDIATELY.—(282)

Bhāṣya.

'***Public road***'—the road in the village or town.

'***Filth***'—urine or excreta.

'***Throws***'—gets carried and deposited by a '*Chāṇḍala*.'

'***Except in dire necessity***'—*i.e.*, when he cannot check the force of his evacuation.

He shall have the filth removed either by a hired *Chāṇḍāla*, or clean it himself.—(282)

VERSE CCLXXXIII

BUT A PERSON IN URGENT NECESSITY, AN AGED PERSON, A PREGNANT WOMAN, OR A CHILD SHOULD BE REPRIMANDED AND THE FILTH SHOULD BE CLEANED;—SUCH IS THE LAW.—(283)

Bhāṣya.

'*One in urgent necessity*'—described above.

'*The aged person*'—and others include all those who are unable to go away out of the village.

Blood also is included under '*filth*.'

'These *shall be reprimanded*'—with such words as 'you shall not do this again,—if you do it you will be committing a great crime against the king.' Such words said in an angry tone are what is meant by 'reprimand.'

'*It should be cleared*',—this is an advice meant for the king; specially if the person who committed the nuisance cannot be discovered. In such cases, the public road shall be cleaned by *Chāṇḍālas*.—(283)

VERSE CCLXXXIV

ALL PHYSICIANS DEALING DISHONESTLY ARE LIABLE TO PUNISHMENT; IN THE CASE OF PATIENTS OTHER THAN HUMAN, THE LOWEST, AND IN THAT OF HUMAN PATIENTS, THE MIDDLEMOST AMERCEMENT.—(284)

Bhāṣya.

'*Physicians*'—doctors.

'*Dealing dishonestly*.'—The prescribing of medicines by dishonest practitioners may be done in two ways—(1) it may be due to the man being devoid of theoretical and practical

knowledge entirely, or (2) to negligence or greed, even though the knowledge of the science is there.

'*In the case of patients other than human*'—*i.e.*, cows, horses, elephants, and so forth.

'*The first*'—the term 'amercement' has to be construed here.

Similarly in the case of human patients, the '*middlemost amercement*.'

But if on account of the dishonest dealing, the patient happen to die, then severe punishment shall be inflicted.—(284)

VERSE CCLXXXV

HE WHO DESTROYS A CROSSING, A FLAG, A POLE OR IMAGES, SHALL REPAIR THE WHOLE OF IT AND SHALL PAY FIVE HUNDRED.—(285)

Bhāṣya

'*Crossing*'—the contrivance by way of which people cross over waterways.

'*Flag*'—*i.e.*, the white piece of cloth, which serves as the insignia of Royalty and of Councillors.

'*Pole*'—in temples; similarly '*images*'—installed in temples.

'*He shall repair it*'—*i.e.*, restore it to its original condition.—(285)

VERSE CCLXXXVI

FOR ADULTERATING UNADULTERATED COMMODITIES, AND FOR BREAKING OR WRONGLY BORING GEMS, THE PUNISHMENT SHALL BE THE FIRST AMERCEMENT.—(286)

Bhāṣya.

When one, with a view to making a profit, adulterates a commodity, which, by itself, is quite pure—*e.g.*, when the dealer in grains mixes straw and dust with grains harvested quite

clean; or when one adulterates saffron and other such substances with foreign substances.

'*Gems*'—Pearls and the rest.

'*Breaking*'—into pieces.

'*Wrongly boring*'—*i. e.*, boring at a place where boring should not be done. '*Apavēdha*'—is also derived from the root '*vyadh*', to *pierce*; the denotation of verbal roots being manifold.

Gems are classed as 'good,' 'bad' and 'indifferent;' and the punishment shall be regulated in accordance with the class to which the gem in question may belong; in the case of 'indifferent' gems, the fine shall consist of the 'middlemost amercement,' and in that 'good' ones it shall consist of the 'highest amercement.'—(286)

VERSE CCLXXXVII

THE MAN WHO TREATS EQUALS AS UNEQUALS IN VALUE SHOULD RECEIVE THE PUNISHMENT OF THE FIRST OR THE MIDDLEMOST AMERCEMENT.—(287)

Bhāṣya.

In regard to certain substances it has been declared that in exchanges they shall be treated as equivalent:—*e.g.*, Sesamum and paddy have been declared to be equal; if in regard to such articles, some one treats them as *unequal*—*i.e.*, having advanced sesamum, he receives in payment a larger quantity of paddy;—or even when there is no exchange, in the act of buying and selling, if one buys sesamum at a price higher than that given for paddy;—or in a case when one man has an upper garment for sale, and another an under-clothing, and the latter stands in need of the latter,—though the two are of equal value, yet knowing the greater need of the man with the upper garment, the latter offers to him the under-clothing, but not in equal exchange, but for a higher price,—such a man is said to '*treat equals as unequals*' in value.

The punishments prescribed are for both the buyer and the seller; since both are parties to the act of 'treating equals as unequals.'

The term '*vā*', in this case is superfluous, serving only to fill up the metre.

The two alternative fines—the 'first' and the 'middlemost' —are laid down, as to be determined by the value of the commodities concerned.—(287)

VERSE CCLXXXVIII

THE KING SHALL ESTABLISH PRISONS ALL ALONG THE PUBLIC ROAD,—WHERE THE SUFFERING AND DISFIGURED OFFENDERS MIGHT BE SEEN.—(288)

Bhāṣya.

The king shall '*establish*'—place—houses of incarceration on all well-known roads,—where the '*suffering offenders might be seen*;'—this implies that the position of the prisons shall be so arranged as to fall within such places as are passed by ordinary passers-by; and it follows from this that various forms of torture shall be inflicted on the prisoners.

'*Disfigured*'—the condition of their body being altered by either total starving or reduced rations.

The rest is quite clear.—(288)

VERSE CCLXXXIX

HIM IN WHO BREAKS THE WALL, OR FILLS UP THE DITCH, OR BREAKS THE GATE—HE SHALL INSTANTLY BANISH.—(289)

Bhāṣya.

The penalty of banishment is to be inflicted only in the case of damages done to the walls, ditches, etc. of a fort.

Ditch'—deeply dug out parts of the ground.—(289)

VERSE CCXC

IN ALL CASES OF MALEVOLENT RITES, THE FINE SHALL BE TWO HUNDRED; AS ALSO IN A CASE OF MAGIC SPELL BY PERSONS NOT RELATED, OR IN THOSE OF VARIOUS KINDS OF SORCERY.—(290)

Bhāṣya.

'*Malevolent rite*,'—encompassing death by such superphysical means as incantations and the like. If anyone performs such a rite, he shall receive the prescribed punishment, if the person aimed at does not die off. But in the case of such rites being successful, the man cannot escape with such a simple punishment. In that case the penalty shall be the same as that for 'man-slaughter.'

The term '*all*' is meant to imply that the same punishment is to be inflicted in the case of *Vedic* as well as *non-Vedic* rites;—*Shyena* and other sacrifies being the '*Vedic* malevolent rites,' and the 'taking of the foot-dust', 'pricking with a needle' the *non-Vedic* ones.

'*Magic spells*'—such as 'bringing under control' and so forth.

'*Persons related*' are the son, the wife and such relations of the victim; other than these are the '*presons not related.*'

Sorcery' also is only a form of 'malevolent rite,' consisting of 'expulsion' and such ends as 'bringing about feelings of disgust against friends and relations,' 'insanity' and other similar magical effects brought about by means of incantations..—(290)

VRESE CCXCI

HE WHO SELLS WHAT IS NOT-SEED, OR PICKS OUT THE SEED, OR TRANSGRESSES THE BOUNDS (OF PROPRIETY) SHALL SUFFER 'MUTILATION' AS THE PENALTY. —(291)

Bhāṣya.

He who sells as 'seed' what is '*not seed,*' by concealing its real character. It is after the lapse of a long term that seeds germinate in the field; so that it cannot be ascertained whether or not they are real 'seeds.'

'*He who picks out seed*'—good seed germinates quickly; the offender therefore picks out the good seed and sells the remaining bad ones. Or, the meaning may be that the man '*picks up the seeds*' that have been sown in the field and takes them away.

'*Bounds*'—rules and practices sanctioned by scriptures and usage.

'*Mutilation*'—cutting off of ears, nose etc.—(291)

VERSE CCXCII

IF THE GOLDSMITH, THE WORST OF ALL 'THORNS,' BEHAVES DISHONESTLY, THE KING SHALL HAVE HIM CUT TO PIECES WITH RAZORS.—(292)

Bhāṣya.

Of all the 'thorns' described above, the goldsmith is *the worst.*'

Question:—If what is meant is the *selection* (of the goldsmith from among the 'thorns'),—then why should not the compounding (in '*Sarvakaṇṭakapāpiṣṭham*') be avoided [in obedience to *Pāṇini* 2.2.10] ?

What is meant by his being 'the worst of sinners' is that the stealing of a small quantity of gold involves a great sin, while the stealing of gold belonging to a Brāhmaṇa involves 'the most heinous crime.'

For this reason, if the goldsmith behaves dishonestly, '*he shall be cut to pieces.*' Goldsmiths steal gold by manipulating the scales and during the processes of heating and cutting.

In this case, considerations of the quantity stolen, or the caste of the owner do not enter; repetition alone has to be taken into consideration; *e.g.*, in the case of the first offence a fine shall be substituted for the slicing of flesh with a razor.

It has already been explained that in the case of corporal punishment, the sin disappears by virtue of the punishment inflicted.—(292)

VERSE CCXCIII

FOR THE STEALING OF AGRICULTURAL IMPLEMENTS, OF ARMS OR OF MEDICINES, THE KING SHALL DETERMINE THE PUNISHMENT, AFTER TAKING INTO CONSIDERATION THE TIME AND USES.—(293)

Bhāṣya.

'*Sītā*'—Stands for the *cultivated field*; and *implements* connected therewith are the plough, the spade and so forth. For the stealing of these punishment has to be inflicted.

Is this to be done arbitrarily? No; '*after taking into consideration the time and uses.*' That is, if the time for cultivation is near at hand, the punishment shall be severe; and severer still when the field has been already cultivated and a rich harvest is in prospect.

'*Taking into consideration*,'—having ascertained its advent. Under other circumstances, the punishment shall be in accordance with the nature of the object stolen.

Similarly in the case of '*arms*'—swords and the rest—if they are stolen at the time of war, the punishment shall be severe;—or in the case of '*medicines*'—if they are stolen at the time that they are going to be actually administered,—and the chances are that if the medicine is stolen and not administered, the patient shall suffer great pain;—and no other medicine is available at the time,—and even if available.

it requires a long time for its preparation;—all these circumstances have to be taken into consideration when determining the punishment.

In the case of 'arms', if they belong to the king,—or to persons who are in constant dread of enemies and robbers (and hence need the arms for self-defence),—the punishment shall be severe; but if they are some small things, it shall be simple.—(293)

SECTION (39)—THE SEVEN 'LIMBS' OF THE KINGDOM AND THEIR RELATIVE IMPORTANCE.

VERSE CCXCIV

THE MASTER AND THE MINISTER, THE CAPITAL CITY, THE PEOPLE, THE TREASURY AND THE ARMY, AND THE ALLY,—THESE ARE THE SEVEN CONSTITUENTS; AND THE KINGDOM IS DESCRIBED AS HAVING 'SEVEN LIMBS.'—(294)

Bhāṣya.

The 'Removal of Thorns' having been dealt with, the author now proceeds to describe such duties of the king as bear entirely upon the administration of the kingdom. If the administration is carried on in this manner, the kingdom is safe: so also there is safety in the kingdom if law-suits are justly disposed of and thorns are effectively removed. Then again, in most cases the 'thorns'—*i.e.*, the worst criminals—consist of persons attached to the Queen or to the Princes, to the king's favourities or to the commanders of armies and so forth; and it is possible that the king may not remove this, being guided by some such notion as—'In the event of a dangerous upheaval among the people I shall have great need for the army-commander, or for the tributary chief,—why should I punish him, simply for some offence against the people?'—and it is in view of this that the author is proceeding with the subjects of the 'constituents' of the kingdom. And from what follows, it is clear that the *People* stand on the same footing as the *King* himself,—being as much a 'constituent' of the kingdom as the latter; though there may be some difference in the degree of their relative importance. For instance, if there is disurbance among the people due to some act of the *Minister*,

this should be suppressed; because the people are of greater importance than the *Minister*; or, the king may desist from hasty action, and try to find out the 'thorn' and remove him. It is for this reason that portions of the teachings contained in Discourse VII are extracted and set forth in the present connection.

'*Master*'—*i.e.* the King himself.

'*Minister*'—the Councillor, the Priest, the Army-Commander.

'*Capital City*'—the city containing the king's residence.

'*People*'—the public.

'*Treasury*'—store of gold and silver and other valuables.

'*Army*'—consisting of elephants, horses and foot-soldiers.

'*Ally*'—one having the same end in view; as has been described 'next to him comes the Ally.'

These are the '*constituents*'—causes, components—of the kingdom; in the same manner as the potsherds are of the jar.

Or the term '*prakṛti*' may be taken as standing for '*svabhāva*,' 'nature;' the sense in that case would be that the kingdom *is of the nature* of these.

It is these seven that have been divided into seventy-two parts, the details of which have been already described.—(294)

VERSE CCXCV

AMONG THESE SEVEN CONSTITUENTS OF THE KINGDOM STATED IN DUE ORDER, INJURY TO EACH PRECEDING ONE IS TO BE REGARDED AS MORE SERIOUS.—(295)

Bhāṣya.

That is to say, any harm coming to the King's own army is more serious than that of the Ally. If he is himself fully fit, the King can go to the rescue of his Ally.

Similarly as between the Treasury and the Army,—injury to the Treasury means positive injury to the Army.

And between 'Treasury' and the 'People,'—if the People are injured, whence would the 'Treasury' derive its existence? Similarly when the whole People are in danger, all effort should be concentrated on the saving of the 'Capital City,' as it is there that all the accessories of the kingdom can be brought together. The 'Minister' again is more important than the 'Capital City;' as the destruction of the Chief Minister may bring destruction to the entire kingdom.—(295)

VERSE CCXCVI

YET IN THE KINGDOM CONSISTING OF THE 'SEVEN LIMBS' INTERLACED LIKE THE 'TRIPLE STAFF,'—SINCE THEIR QUALITIES ARE MUTUALLY HELPFUL,—NO ONE OF THEM IS SUPERIOR.—(296)

Bhāṣya.

An example is cited—'*interlaced like the Triple Staff*;'—*i.e.*, each is dependent upon the other. This same idea is further emphasised—'*since their qualities are mutually helpful*;'—inasmuch as they are helpful to one another, there can be no distinction among them; just as there is none among the soil, the seed and the water, in the process of cultivation.

From this it follows that special attention is to be paid to every one of the seven limbs.

There certainly is some difference in their relative importance; what then is meant by the assertion that '*no one of them is superior*' is that due care should always be taken in the guarding of the Ally and other 'limbs' also (which, in the preceding verse, have been declared to be of minor importance). Because the destruction of the Ally also would eventually lead to the destruction of the King's own kingdom, specially when the attack upon the former comes from a powerful quarter; even though the danger may be not so imminent.—(296)

VERSE CCXCVII.

EACH 'LIMB' IS PARTICULARLY QUALIFIED FOR THE FULFILMENT OF A DISTINCT PURPOSE; AND HENCE EACH IS DECLARED TO BE THE MOST IMPORTANT IN REFERENCE TO THAT PURPOSE WHICH IS FULFILLED BY ITS MEANS.—(297)

Bhāṣya.

There is nothing that is not helpful to the King; there may be some purpose that is served by an inferior agent, and not by a superior one. Hence every one of the 'constituents' should be carefully attended to; that is, the People should not be harassed by unfair punishments, and they should be always guarded against robbers and other dangers.

Thus it is that the present section is connected with the subject of the 'Removal of Thorns.'—(297)

VERSE CCXCVIII

THE KING SHALL CONSTANTLY ASCERTAIN HIS OWN AND HIS ENEMY'S STRENGTH THROUGH SPIES, THROUGH DISPLAY OF ENERGY AND ALSO THROUGH THE ACTUAL CARRYING OUT OF UNDERTAKINGS.—(298)

Bhāṣya.

The King shall always keep himself informed of his own and his enemy's strength. He should find out—'What does he intend to do?'—'What is he able to do against me?'—'What am I able to do against him?'

"How is all this to be ascertained?"

(a) '*Through spies*'—as described under Discourse VII;—(b) '*Through display of energy*,'—when a King rewards men they are happy and become imbued with energy, and carrying on their agricultural operations successfully, reap rich harvests [and this shows the King's power].—(c) '*Through the actual carrying out of undertakings*;'—such

undertakings as the disposition of armies and so forth, which are indicative of the enemy's strength; as all these are signs of material prosperity, and from this is all strength derived.—(298)

VERSE CCXCIX.

THE KING SHALL BEGIN OPERATIONS AFTER HAVING TAKEN INTO CONSIDERATION ALL CALAMITIES AND VICES, AND THEIR RELATIVE IMPORTANCE.—(299)

Bhāṣya.

'*Calamities*'—such as famine, drought, rats, locusts, thunderstorms and so forth.

'*Vices*'—due to lust, anger and so forth.

In addition to this, he shall take into consideration also the doings of his sons;—he shall not always display energy; nor always show discontent; he shall also take into consideration the 'six accessories' of kingship, his daily income and expenditure, and all that may be going on in his kingdom, which he may have learnt from his spies.

The actions of men may also be ascertained by noting their tendencies towards dancing, music and such entertainments.—(299)

VERSE CCC

TIRED AND TIRED, OVER AGAIN HE SHOULD BEGIN HIS OPERATIONS; FOR FORTUNE FAVOURS THE MAN WHO UNDERTAKES OPERATIONS.—(300)

Bhāṣya

'*Man*'.—This shows that it is not only the King, but also the ordinary man who attains prosperity by exerting himself. This is what is meant by the saying—'Even at the hands of death one should seek prosperity.'—(300)

SECTION (40)—PERSONAL BEHAVIOUR OF THE KING.

VERSE CCCI

The actions of the King constitute the '*Kṛta*', the '*Trētā*', the '*Dvāpara*' and the '*Kali*' cycles; as it is the King that is called the 'cycle.'—(301)

Bhāṣya.

For this reason also the King should be always exerting himself:—Want of exertion represents '*Kali*;' as it constitutes a great evil. The King should not argue that—'Kali being a particular personage known in history, how can I be *Kali*?'—because the King's own acts constitute the several 'cycles.'—This is further explained in the following verse.—(301)

VERSE CCCII

Asleep, he represents '*Kali*;' awake, the '*Dvāpara*' cycle; ready to act, the '*Trētā*'; and actually acting, the '*Kṛta*' cycle.—(302)

Bhāṣya

When he is '*asleep*', inactive, he represents '*Kali*.'

'*Awake*',—*i.e.*, while knowing the means of his advancement, if he does not actually exert himself,—he is '*Dvāpara*.'

When he has made up his mind to act he is '*Trētā*.'

When he actually acts with a view to attaining success, in accordance with the scriptures, he is '*Kṛta*'.—(302)

VERSE CCCIII

The King shall emulate the energetic activity of *Indra*, of *Arka*, of *Vāyu*, of *Yama*, of *Varuṇa*, of *Chandra*, of *Agni* and of *Pṛthvī*.—(303).

Bhāṣya

'*Energy*'—strength, capacity to act.—(303)

VERSE CCCIV

AS INDRA SHOWERS RAIN DURING FOUR MONTHS OF THE YEAR, SO SHALL THE KING, ACTING LIKE INDRA, SHOWER BENEFITS ON HIS PEOPLE.—(304)

Bhāṣya.

The actual limitation regarding the *four months* is not meant to be emphasised in the present connection. What is meant is that during the four months, the Cloud rains *constantly*, and hence the King also shall confer benefits upon his people *constantly*. That is to say, he shall so act that his people may become attached to him.—(304)

VERSE CCCV

JUST AS DURING EIGHT MONTHS, *Āditya* DRAWS UP WATER WITH HIS RAYS, EVEN SO THE KING SHALL DRAW TAXES FROM THE PEOPLE,—THIS BEING THE FUNCTION OF ARKA.—(305)

Bhāṣya.

The sun draws water gently, little by little,—and the King also shall realise his taxes gently, little by little. This is the meaning of the simile.—(305)

VERSE CCCVI-CCCVII

AS *Vāyu* MOVES ABOUT, ENTERING ALL BEINGS,—EVEN SO SHALL THE KING PENETRATE EVERYWHERE THROUGH HIS SPIES;—THIS IS THE FUNCTION OF *Vāyu*.—(306).

AS YAMA, AT THE APPROACH OF THE PROPER TIME, RESTRAINS BOTH FRIENDS AND ENEMIES, EVEN SO SHALL ALL MEN BE RESTRAINED BY THE KING; THIS IS THE FUNCTION OF YAMA.—(307)

Bhāṣya.

Whenever a crime has been committed, the King shall act equally towards those he loves and those he hates.—(306-307)

VERSE CCCVIII

AS ONE IS ALWAYS FOUND BOUND UP WITH ROPES BY *Varuṇa*, EVEN SO SHALL THE KING PUNISH THE WICKED; THIS IS THE FUNCTION OF *Varuṇa*.—(308)

Bhāṣya.

Without distinction, all offenders should be punished, and not allowed to escape.—(308)

VERSE CCCIX

THE PEOPLE REJOICE AT SEEING THE FULL MOON; THE KING AT WHOSE APPEARANCE THE PEOPLE REJOICE IN THAT MANNER IS A KING WHO FULFILLS THE FUNCTIONS OF THE MOON.—(309)

Bhāṣya.

What this means is that at the time that the King is seeing his people he shall be free from anger, joyous in countenance, and wearing fine dresses and ornaments.

The people '*rejoice*' at seeing the King,—*i.e.*, all their sorrows disappear.—(309)

VERSE CCCX

HE SHALL ALWAYS BE ENDOWED WITH BRILLIANT ENERGY AND ARDENT IN HIS WRATH AGAINST OFFENDERS; HE SHALL EXTERMINATE HIS DISAFFECTED VASSALS; THIS IS THE FUNCTION OF AGNI.—(310)

Bhāṣya.

The function of fire is that it is furious and consuming against the wicked. '*Vassals*'—*i.e.*, ministers and others endowed with riches.—(310)

VERSE CCCXI

AS THE EARTH SUSTAINS ALL BEINGS EQUALLY, SO DOES THE KING SUPPORT ALL BEINGS; AND THIS IS THE FUNCTION OF *Pṛthivī*.—(311)

Bhāṣya.

'*Dharā*'—The earth.

The king shall support the poor and the destitute persons, as also their families.—(311)

VERSE CCCXII

BETAKING HIMSELF TO THESE AND OTHER METHODS, THE KING, EVER ALERT, SHALL RESTRAIN THIEVES IN HIS OWN REALM AS WELL AS IN THAT OF OTHERS. —(312)

Bhāṣya.

This verse serves to sum up the section.

'*These methods*'—the functions of the gods—'*others*'—to be learnt by experience.—(312)

SECTION (41)—THE TREATMENT OF *BRĀHMAṆAS*

VERSE CCCXIII

EVEN WHEN FALLEN IN THE DEEPEST DISTRESS, THE KING SHALL NOT PROVOKE THE *Brāhmaṇas*; FOR IF PROVOKED, THEY WOULD RUIN HIM, ALONG WITH HIS ARMY AND CONVEYANCES.—(313)

Bhāṣya.

Even when a King with a depleted treasury has a heavy indemnity levied by a powerful enemy,—even in such a distress, he shall not draw upon the wealth of the *Brāhmaṇa*; nor are they to be provoked to anger by any marks of disrespect etc.—(313)

VERSE CCCXIV

WHO COULD ESCAPE RUIN AFTER HAVING PROVOKED THOSE BY WHOM FIRE WAS RENDERED ALL-DEVOURING, BY WHOM THE OCEAN WAS MADE UNDRINKABLE AND BY WHOM THE MOON WAS MADE TO WAX AND WANE? —(314)

Bhāsya.

With a view to confirm what has been said above this verse reiterates well-known stories relating to the greatness of the *Brāhmaṇa*. These stories are to be learnt from the *Mahābharata*.—(314)

VERSE CCCXV

WHO COULD PROSPER AFTER INJURING THOSE WHO, ON BEING PROVOKED, WOULD CREATE OTHER WORLDS AND OTHER GUARDIANS OF THE REGIONS, AND WHO WOULD MAKE THE GODS CEASE TO BE GODS?—(315)

Bhāṣya.

'*Injuring*'—stands for doing mischief.

All this was explained by Vyāsa when Yudhiṣṭhira had thrown away the *Gāṇḍīva* (?).—(315)

VERSE CCCXVI

WHAT MAN, DESIROUS OF LIVING, WOULD INJURE THEM, DEPENDING ON WHOM THE WORLD AND THE GODS EXIST, AND WHOSE WEALTH CONSISTS OF THE VEDA?

Bhāysa.

'*Worlds*'—the three regions, the earth and the rest.

'*Gods*'—are dependent upon the Brāhmaṇas, through the libations offered by these latter. The Gods are 'dependent' upon the Brāhmaṇas also, in the sense that the greater part of Vedic teaching and Vedic rites are done by them;—the *Kṣattriya* and the *Vaishya* not doing them to the same extent.—(316)

VERSE CCCXVII

LEARNED OR UNLEARNED, THE *Brāhmaṇa* IS A GREAT DIVINITY; JUST AS CONSECRATED OR UNCONSECRATED, THE FIRE IS A GREAT DIVINITY.—(317)

Bhāṣya.

Disrespect towards Brāhmaṇas is to be avoided only through consideration of their caste; and their learning or other qualifications have not to be taken into consideration, as they are done in the making of gifts and on other occasions. This stands on the same footing as the avoiding of touching fire with the foot.—(317)

VERSES CCCXVIII—CCCXIX

EVEN THOUGH IN THE CREMATION-GROUND, THE BRILLIANT FIRE IS NOT DEFILED, AND IT FLOURISHES AGAIN

WHEN LIBATIONS ARE POURED UNTO IT AT SACRIFICES.—(318)

SIMILARLY EVEN THOUGH THEY BETAKE THEMSELVES TO ALL SORTS OF UNDESIRABLE ACTS, YET *Brāhmaṇas* SHOULD BE HONOURED IN EVERY WAY; FOR THEY ARE THE GREATEST DIVINITY.—(319)

Bhāṣya.

What is said here has already gone before. The sense is that even though ill-behaved, the Brāhmaṇa shall not be ill-treated.

'*Undesirable*'—forbidden.

When they betake themselves to forbidden acts, they shall be dealt and punished according to law, gently, and not attacked with force, in the manner of other castes.—(318-319)

VERSE CCCXX

WHEN THE *Kṣattriya* SHALL BECOME TOO OVER-BEARING IN EVERY WAY TOWARDS *Brāhmaṇas*, THE *Brāhmaṇa* HIMSELF SHALL BE THEIR RESTRAINING INFLUENCE; AS THE *Kṣattriya* HAS HIS SOURCE IN THE *Brāhmaṇa.*—320

Bhāṣya.

When a *Kṣattriya* tries to injure a Brāhmaṇa, he shall be restrained by the *Brāhmaṇas* themselves. Being puffed up through wealth-born arrogance, when *Kṣattriyas* are apt to overstep all bounds of propriety, they are brought back to the right path by *Brāhmaṇas*, through prayers, offerings and curses.

The reason is—'*Because the Kṣattriya has his source in the Brāhmaṇa.*' The *Kṣattriyas* were born from the *Brāhmaṇa* caste.

The question arising—"How can one who is the source of another become his destroyer?"—the answer is supplied by the next verse.—(320)

VERSE CCCXXI

Fire sprang from water, the *Kṣattriya* from the *Brāhmaṇa*, and iron from stone; the all-penetrating force of each of these becomes extinguished in its source.—(321)

Bhāṣya.

'*From water*'—*i.e.*, from herbs and trees—springs fire; that is why it is named '*agni.*' *The* '*all-penetrating force*' of this is that which burns all that can be burnt; and yet when it reaches water, it becomes extinguished.

'*From stone sprang iron*'—in the shape of the sword and other weapons. It tears everything; and yet when it falls on stone it breaks and becomes blunted.

Similarly *Kṣattriyas* conquer everywhere; but when they behave arrogantly towards the *Brāhmaṇa*, they are ruined.

VERSE CCCXXII

The *Kṣattriya* flourishes not without the *Brāhmaṇa*; the *Brāhmaṇa* prospers not without the *Kṣattriya*; the *Brāhmaṇa* and the *Kṣattriya*, when united, prosper here as also in the other world.—(322)

Bhāṣya.

The '*Kṣattriya*'—*i.e.*, the realm.—'*Without the Brāhmaṇa*'—*i.e.*, where neither the councillors nor the priests and other officials are Brāhmaṇas,—how can there be any prosperity?

Similarly Brāhmaṇas obtain prosperity only when resting upon Kṣattriyas.

When both are united, they are successful.

The terms '*Brahma*' and '*Kṣattra*' in this verse stand for the two castes, *Brāhmaṇa* and *Kṣattriya.*—(322)

VERSE CCCXXIII

Bestowing his wealth, obtained from all kinds of fines, upon *Brāhmaṇas*, and making over the kingdom to his son, the King shall bring about his departure in battle.—(333)

Bhāṣya.

When the King begins to be harassed by old age, if he finds that he has done all that he had to do,—then if he has any wealth,—such as that accumulated from fines—he shall give all this away to *Brāhmaṇas*. As for fines realised from the 'heinous offenders,' it has been already laid down that they shall be disposed of by being offered to Varuṇa, and none of it shall be taken by the King himself. But when he finds that apart from this there is much wealth that has accumulated from all kinds of fines,—and he realises that his death is approaching,—he should dispose of the wealth in the manner here described.

Others have explained that the term '*fines*' is meant to include all sources of income—such as taxes, tolls and the like.

According to this the meaning would be that he should give away all his wealth; that is, he should give away everything, with the exception of chariots, arms, lands and slaves.

Under this explanation, the clause, 'making over the kingdom to his son' would not be quite consistent. Because it would be impossible for the son to carry on the administration, with a depleted treasury.

'*Bring about his departure in battle,*'—*i.e.*, he shall go forth to battle, with a view to give up his life. If even towards the end of his life, he finds no chances for a battle, then he should destroy his body either in fire or water. But the best results would be attained by giving up the body in battle.—(323)

VERSE CCCXXIV

Acting in this manner, and ever intent upon his Kingly Duties, the king shall order all his servants to work for the good of the people.—(324)

Bhāṣya.

'*Acting in this manner*'—Behaving thus.

'*On his Kingly Duties*'—as prescribed in the scriptures—'*Ever intent*'—bent upon performing.

'*For the good of the people*'—his subjects;—'*he shall order all his servants.*'—(324)

SECTION (42)— SUMMING UP.

VERSE CCCXXV

THUS HAS BEEN EXPOUNDED THE WHOLE OF THE ETERNAL LAW RELATING TO THE DUTIES OF THE KING; THE LAW RELATING TO THE *Vaishya* AND THE *Shūdra* RESPECTIVELY SHOULD BE UNDERSTOOD TO BE AS FOLLOWS.—(325)

Bhāṣya.

The first half of this verse sums up the entire section dealing with the Duties of the King, ending with the 'Removal of Thorns'; and the latter half reminds the reader of the promise set forth above (under 1·116) regarding the expounding of the 'Duties of the Vaishya and the Shūdra.'—(325)

SECTION (43)—DUTIES OF THE VAISHYA AND THE SHŪDRA.

VERSE CCCXXVI

AFTER HAVING HIS SACRAMENTS PERFORMED, THE VAISHYA SHALL TAKE A WIFE AND APPLY HIMSELF ENTIRELY TO AGRICULTURE AND THE TENDING OF CATLLE.—(326)

Bhaṣyā.

'*Having his sacraments performed*'—*i.e.*, having been duly initiated;—and after he has been married,—he shall apply himself to 'agriculture,' '*vārtā*;'—this term stands for the whole lot of business going to be described below. Details regarding this business have been expounded in the work of Bṛhaspati.—(326).

VERSE CCCXXVII

Prajāpati, HAVING CREATED CATTLE, MADE THEM OVER TO THE VAISHYA; WHILE TO THE *Brāhmaṇā* AND THE *Kṣattriya* HE MADE OVER ALL CREATURES.—(327)

Bhāṣya.

The tending of cattle is not only a means of *livelihood* for the Vaishya; it also forms his *duty*. This is what is indicated by this declamatory passage.

"How is it that the author should impose an invisible (transcedental) character upon what is quite visible?"

It has been done with a view to bringing it home to the Vaishya that he must, as an obligation, do the tending of cattle, in the same manner as the *Kṣattriya* does the protecting of the people.

How the protecting of the people is binding upon the *Kṣattriya* has already been explained before. As for the *Brāhmaṇa*, he is entitled to all sorts of 'protection,' by virtue of his being the person who prescribes the necessary expiatory rites, performs prayers, offers oblations and thereby obtains rain from the sun, and so forth.

What is stated here is only by way of illustration; and all that is meant is that the tending of cattle forms the duty of the Vaishya.—(327)

VERSE CCCXXVIII

THE VAISHYA SHALL NEVER CONCEIVE THE WISH—'I WILL NOT TEND CATTLE;' AND SO LONG AS THE VAISHYA IS WILLING, THEY SHOULD NOT BE TENDED BY ANY ONE ELSE.—(328)

Bhāṣya.

"Why should there be any question of *willing* regarding what forms a means of livelihood? It has been already pointed out that, even though there is a transcendental factor in the matter, yet stress is laid upon only the visible aspect; just as in the case of the rule regarding *facing the East* during meals. It is in view of this that the text says—'*The Vaishya shall never conceive the wish.*' So that if the Vaishya is not in want of a livelihood, he shall not incur any sin (in being unwilling to tend cattle.)"

True; but the author has used the particular words with a view to show that the duty of tending of cattle does not stand on the same footing—and is to be regarded as leading to the same results—as that of 'cultivating the land,' along with which 'cattle-tending' has been mentioned before; and hence men may be led to regard all of them as leading to the same results. And according to the view that they are all conducive to the same results, 'wish' also would come in as a determining factor; specially when the man is one who may be

hankering after other actions. In a case where 'cattle-tending' is the most profitable means of livelihood, the man would naturally have recourse to it, and not engage in other kinds of work; he would naturally live by the said means of livelihood. (?)—(328)

VERSE CCCXXIX

He shall find out the relative value of gems, pearls, corals, metals, woven cloths, perfumes and condiments.—(329)

Bhāṣya.

'*Metals*';—this term stands for copper, iron and bronze.

'*Relative value*'—the variations in their price due to exigencies of time and place. That is, he should find out in what part of the country a certain thing fetches a higher price than in another; and similarly in regard to time also.—(329)

VERSE CCCXXX

He should be acquainted with the manner of sowing seeds, with the good and bad qualities of the soil; he should know all kinds of weights and measures.—(330)

Bhāṣya.

He shall know '*the manner of sowing seeds*,'—*i.e.*, this seed is sown thickly, and that is sown sparsely, and so forth. 'This seed shall grow in this soil, and not that seed,—this shall bring a such harvest,—all this '*good and bad qualities*' of soils he should be acquainted with.

He shall know all such weights as the '*droṇa*,' the '*shūrpa*' the '*āḍhaka*' and so forth, as also the measures.—(330)

VERSE CCCXXXI

Also the excellences and defects of commodities, the advantages and disadvantages relating to

COUNTRIES, THE PROFIT AND LOSS ON MERCHANDISE AND ALSO CATTLE-BREEDING.—(331)

Bhāṣya.

'*Commodity*' stands for skins and other things put up for sale ; the *excellences and defects of these,—i.e.*, 'this article if kept for a long time becomes spoilt,' 'this is lasting,' 'that is not lasting.'

'In this country, large supplies of grains are available,—at this time barley is profuse,'—' such and such is the custom of this country,'—'the nature of the people is so and so;'—these are '*the advantages and disadvantages relating to countries.*'

'*Cattle-breeding,*'—*i.e.*, such rules as that by using such and such fodder, and giving such and such salts, cattle flourish better ; and so forth.—(331)

VERSE CCCXXXII

HE SHALL KNOW ALSO THE WAGES OF SERVANTS, THE SEVERAL LANGUAGES OF MEN, THE MANNER OF KEEPING GOODS, AND ALSO THEIR PURCHASE AND SALE.—(332)

Bhāṣya.

'*Servants*'—slaves and other attendants ; such as the herdsman, the shepherd, the elephant-driver and so forth ;—he should know what would be the proper wages for such servants.

The languages of Mālava, Magadha, Draviḍa and other countries ;—*i.e.*, in such a a country they employ this word to denote this thing and so forth.

'*Manner of keeping goods*'—In such place, such a thing is stored in this manner,—it is wrapped up in this manner, and so forth.

Also the manner of selling them.—(332)

VERSE CCCXXXIII

He shall put forth his best efforts towards increasing his property in a righteous manner; and he shall zealously give food to all beings.—(333)

Bhāṣya.

That is, he shall give away large quantities of food. Otherwise he should be punished by the King.

What is said here pertains to the Vaishya who is possessed of much wealth.—(333)

VERSE CCCXXXIV

For the *Shūdra* the highest duty conducive to his best welfare is to attend upon such *Brāhmaṇa* house-holders as are learned in the Vedas and famous.—(334)

Bhāṣya.

'*Famous*'—this indicates *good character*. '*Attendance*' —Service.

This is the duty that leads to his highest good.—(334)

VERSE CCCXXXV

If he is pure, attendant upon his superiors, of gentle speech, free from pride, and always dependent upon the *Brāhmaṇa*,—he attains a higher caste.—(335)

Bhāṣya.

'*Pure*'—by making due use of clay and water, and also by keeping his senses under control.

'*Attendant upon his superiors*'—*i.e.*, the three higher castes.

'*Gentle in speech*'—*i.e.*, not harsh and argumentative in speech, through his knowledge of such sciences as Logic and the like.

He attains a '*higher caste*'—such as the Brāhmaṇa and the rest.

The motive has been clearly stated.

The '*depending upon the Brāhmaṇa*' has been repeated with a view to indicate that this is a duty also for one who may be serving other people; so long as it is not compatible with this latter.—(335)

SECTION (44)—CONCLUSION

VERSE CCCXXXVI

Thus has the excellent law for the conduct of the castes in normal times been expounded; now listen in due order to what forms their duty in abnormal times.—(336)

Bhāṣya.

The meaning is quite clear.—(336)

Thus ends Discourse IX.

DISCOURSE X

DISCOURSE X

ABNORMAL SOCIAL CONDITIONS; CASTES AND SUB-CASTES, THEIR DUTIES AND FUNCTIONS.

SECTION (1)—THE FOUR CASTES AND THEIR PURELY LEGITIMATE PROGENY.

VERSE I

THE THREE TWICE-BORN CASTES, DEVOTED TO THEIR DUTIES, SHALL STUDY; BUT OF THESE THE *Brāhmaṇa* ALONE SHALL EXPOUND IT, NOT THE OTHER TWO; SUCH IS THE ESTABLISHED LAW.—(1)

Bhāṣya.

The injunction for the study of the Veda by the three castes has been set forth in the text—'The entire Veda, along with the esoteric treatises, shall be studied by the twice-born;' and for all householders it has been laid down as an obligatory duty that they shall not forget what has been learnt,—in such texts as—'One shall be always intent upon Vedic study' (3·75), 'He shall constantly ponder over the scriptures' and so forth; and it is the Veda alone that can be called '*shāstra*,' 'scripture,' in its primary sense of 'instructing;' since it is the Veda alone that propounds injunctions not obtainable by any other means of knowledge; hence the Veda alone is the 'scripture;' and this term is applied to other works only indirectly, on the basis of their resembling the Veda in being like it, a literary composition. Thus then, it follows that the Veda shall be constantly recited, and there is evil involved in abandoning its study. As for the '*Brahmayajña*' (which

is done daily), this can he accomplished by the life-long daily repetition of a single *hymn*, a single *Sāma-song*, a single mantra or a single section; and hence that does not imply the necessity of remembering the entire text of the Veda.

Thus then, there being nothing left, which could form the original subject-matter of the present injunctive text ('*shall study* &c.'), it has to be taken as a mere *reiteration*,--made for the purpose of precluding the *Kṣattriya* and the *Vaishya* from the function of *teaching*, in the words '*of these the Brāhmaṇa alone shall teach it, not the other two.*'

"As a matter of fact, there can be no possibility of those two castes undertaking the work of *teaching*, which has been reserved exclusively for the *Brāhmaṇa*, in such texts as 'Teaching belongs to the Brāhmaṇa alone.' [So that there could be no occasion for the preclusion intended by the present text.]"

There is no force in this objection. The texts have hitherto reserved the function of Teaching for the *Brāhmaṇa*, only as a means of livelihood; so that the exclusion of the other castes would also appear to be with reference to the same; and the *imparting of knowledge* as a meritorious act would still be permissible for the other two castes; it is this possibility that the present text precludes.

Even granting that there is a general prohibition (of Teaching, for the other castes), the present text may be taken as reiterating a settled fact, for the purpose of introducing the subject of the admixture of the castes and their functions. In this manner the order of sequence of the original promise would be duly maintained,—as set forth above, in the words 'The duties of the Vaishya and the Shūdra, *then the origin of the mixed castes*' (1·116).

In this connection some people argue as follows:—The work of '*Teaching*' consists in *instructing one to pronounce the words*, and '*expounding*' includes also the *explaining* of the meaning of the words. So that the former prohibitions of

'Teaching' cannot mean the prohibition of 'expounding;' and for this latter, a fresh injunction (in the shape of the present text) becomes necessary.

An objection is raised—"We do not find the word '*Veda*' in the present verse; wherefore then should the action of *studying* be taken as pertaining to the *Veda*? The reading of secular prose and poetry is also called 'study.'"

The answer to this is as follows:—If the latter were meant, then the injunction would have to be taken as put forth with a view to some invisible result only; and that would necessitate the assuming of some such result as would be desired by the man undertaking the said study, as also the discovering of some authority for such an assumption. On the other hand, if we interpret the text as we have done above, it is found to have its authority in a well-known Vedic text, and there is no need for assuming another basic authority for it.

What is meant being already expressed by the term '*twice-born*,' the term '*three castes*' has been added for the purpose of filling up the metre; so also the epithet '*devoted to their duties*.'—(1)

VERSE II

THE *Brāhmaṇa* SHOULD KNOW THE MEANS OF LIVELIHOOD FOR ALL MEN; HE SHALL DULY EXPOUND THEM TO THE OTHERS AND HIMSELF DO ACCORDINGLY.—(2)

Bhāṣya.

It has been already declared that there is to be no 'teaching of duties' for the *Shūdra*, in such texts as 'he shall not teach his duty to him' (4·80) and it is as an exception to this that we have the present text laying down that 'means of livelihood should be explained to him.'

'*Livelihood*'—maintenance of the family;—the 'means' of that he should know.

'*Expound to the others*.'—The plural number has been used for the purpose of including the *Shūdra* [the dual would

have been used if the *Kṣattriya* and the *Vaishya* alone had been intended].

'*Himself do accordingly*;'—*i.e.*, he shall have recourse to only such means of livelihood as have been prescribed for him.—(2)

VERSE III

THE *Brāhmaṇa* IS THE LORD OF THE CASTES, ON ACCOUNT OF HIS DISTINCTIVE QUALITIES, OF THE SUPERIORITY OF HIS ORIGIN, OF HIS OBSERVANCE OF RESTRICTIVE RULES, OF THE PECULIAR CHARACTER OF HIS SANCTIFICATION.—(3)

Bhāṣya.

"What is the reason that the Brāhmaṇa alone is entitled to what has been just stated, and not the *Kṣattriya* and the rest also?"

The reason for this lies in the fact that it is in connection with the Brāhmaṇa that the scriptures put forth commendatory declarations (like the present text).

'*On account of distinctive qualities*,'—*i.e.*, of peculiar characteristics; *i.e.*, the excellence of his qualities.

These excellences are next pointed out—'*of the superiority of his origin*,'—the Brāhmaṇa having sprung from the highest part of Prajāpati's body. '*Origin*' means *source*.

'*Observance of restrictive rules*.'—Inasmuch as the *drinking of wine* has been forbidden specifically for the *Brāhmaṇa*, it is this '*restrictive rule*' that is meant here. Or they may refer to the 'observances of the Accomplished Student,'—such as the carrying of the bamboo staff and so forth,—which have been prescribed for the *Brāhmaṇa* only.

'*The peculiarity of his sanctification*;'—this refers to the observances of the Accomplished Student; the '*peculiarity*' consisting in such rules as 'water reaching the heart' (2·162) and so forth. It cannot mean the 'Initiatory Rite,' as this is done for the *child* only (and hence could not refer to the grown

up Brāhmaṇa); it is only in the case of the *Kṣattriya* and the *Vaishya* that it is done after the expiry of childhood.

For these reasons the Brāhmaṇa is the '*lord*'—controller—'*of the castes.*'—(3)

VERSE IV

THE *Brāhmaṇa*, THE *Kṣattriya* AND THE *Vaishya* ARE THE THREE TWICE-BORN CASTES; THE FOURTH IS THE ONE CASTE, *Shūdra*; THERE IS NO FIFTH.—(4)

Bhāṣya.

What are these 'castes'? Is the word 'caste' denotative of a species of human beings? No; these are four castes, beginning with the '*Brāhmaṇa*' and ending with the '*Shūdra.*' The others—the '*Barbara*,' the '*Kaivarta*' and so forth—are only mixed races, as will be described later on.

Of these four, three castes are '*twice-born*,'—the 'Initiatory Rite' being prescribed for them.

'*One caste*' is the *Shūdra*; there is no 'Initiatory Rite' for him; since the injunction of this rite contains the distinct mention of the three castes, *Brāhmaṇa* and the rest;—*e.g.*, 'the Brāhmaṇa shall be initiated in the eighth year, the Kṣattriya in the eleventh and the Vaishya in the twelfth;' and nowhere is the name of the *Shūdra* mentioned.

"Since no time is specified in connection with the *Shūdra*, it may simply mean that there is no time fixed for his Initiation."

This might have been the meaning, if there were a general injunction for Initiation (for all men in general); and in that case all these rules regarding the castes, the times for initiation would have to be taken as purely commendatory details. There is however no such general injunction for Initiation. Under the circumstances, on the strength of what authority could we take the Shūdras' Initiation as to be done without any restriction regarding time?

"If that is so, then what is the point in reiterating that *there is one caste the Shūdra*?"

True; but it serves the purpose of removing a suspicion; on the strength of the assertion that it is done without sacred texts, the idea may be entertained that for the Shūdra there is Initiation without any restriction as to time.

"But the assertion quoted occurs in connection with the "*Food-Sacrifices*;" and having served its purpose in that connection, it could not be made to refer to anything else."

That is why we have said that there would just be a *suspicion*. In reality, however, the verse serves the prupose of restricting the actual practices of men.—(4)

VERSE V

AMONG ALL CASTES, THOSE ONLY WHO ARE BORN OF CONSORTS WEDDED IN THE NATURAL ORDER, AS VIRGINS OF EQUAL STATUS, ARE TO BE REGARDED AS THE SAME (AS THEIR FATHER).—(5)

Bhāṣya.

"Who are these that are called '*Brāhmaṇa*' and the rest? We cannot perceive any difference among men. The determination of the caste is dependent upon a knowledge of individuals belonging to the caste; and individuals, devoid as they are of any knowledge of the disposition of the component atoms, cannot indicate any difference among the castes. Nor is there any difference in the figures of the '*Brāhmaṇa*' and the '*Kṣattriya*' as there is in those of the 'cow' and the 'horse,' for instance,—by virtue of which the said castes could be perceptible by the eye. Nor are the said castes discernible by any other acts; as, for instance, the nature of the oil or the melted butter can be discerned by smelling or tasting. Nor again can the difference among them be discerned by differences in such details as those of purity, conduct, colour of the hair, and so forth; because these details are almost always found to be mixed up. Further, actual usage is dependent upon men, and

as men are mostly deceptive, the character of anything cannot be ascertained by a mere reference to them."

It is in view of these difficulties (in the ascertaining of a man's caste) that the author is asserting here the definition of the castes.

'*Among all castes*,'—the definition that is applicable is that those born of women '*of equal status*'—of the same caste as the husband,—these women being the '*wives*'—lawfully wedded consorts,—*are to be regarded as* the same. That is, in most cases, the caste of the child born of parents legally married is the same as that of its parents.

Since the term '*wife*' is a relative term, it follows that the person who has married her is the 'father' of the child. So that the meaning comes to be that the child is of the same caste as the parents, when it is born of the woman from that same person who has wedded her.

The epithet '*virgin*' has been added, and it precludes the possibility of a remarried woman being regarded as the 'wife,'—as also of the mother of the '*Sahoḍha*' and '*Kānīna*' sons.

Objection:—" As a matter of fact, there is no *marriage-sacrament* in the case of these latter; since it has been declared (Manu 8. 226) that 'the sacred texts recited at the marriage-ceremony are applicable to maidens only.' Though verse 9·173 declares that 'the child belongs to the person who *married* her,' where the mention of the term 'marry' indicates that there is legal sacrament in the cases in question also, yet all that this text can be taken as indicating is the *possibility* (of the sacrament), and there is nothing in it to indicate that it refers to something actually *enjoined*; so that in this text all that 'the person marrying' can mean is 'the person who accepted her,'—the verbal root signifying mere *acceptance*; and what the text means is that 'when a man has accepted a girl for his wife, after having cheated her father and kinsmen, if a son happens to be born from her, he belongs to that man.'

There is in fact no sacrament in the case of *remarried* women; in regard to whom also it has been laid down that—'she is fit for a second nuptial ceremony, only *if she be still a virgin*' (9·176). In connection with the girl who as 'gone away and come back' also, we find the term '*again*' used ('she may be married *again*'), which implies that she belongs to her husband. But none of these are entitled to associate with the 'duly wedded consort;' because the term '*patnī*,' 'consort,' connotes 'co-operation at sacrificial rites.' From all this it would seem that the qualification '*if she be a virgin*' becomes superfluous. The older commentators read '*nārīṣu*' (women) in place of '*patnīṣu*' in the text. But this also is nothing. If we had the qualification of 'virginity', only then would sons born of *unmarried* women belong to the same caste as the father. By using the term '*patnī*' (consort) however it becomes clearly indicated that the women meant are only such as have been married with due religious rites. As for the girl with whom a man has intercourse before they are married, she may be a '*virgin*' but certainly not a consort.' Thus then it becomes necessary to explain the use and purport of the qualification '*virgin*'."

The answer to the above is as follows:—It has been argued above that "the remarried women are not 'consorts,' because they are not entitled to co-operate at sacrificial rites." But if such girls were wedded, this *wedding* itself would constitute a 'sacrificial rite,' since even at this ceremony *offerings* are made to Pūṣan, Aryaman and Varuṇa; and '*offering*' and '*sacrifice*' are synonymous terms. Hence these girls also would be 'consorts.' In fact, the right view to take is that, inasmuch as they are no longer 'maidens,' they are not fit for the *wedding ceremony*; and it is on this ground that they cannot be 'consorts.' And even so the qualification 'virgin' being apparently superfluous, we proceed to explain its use. As a matter of fact, the term 'consort' is found to be applied, though figuratively, even to such women

as are not entitled to *co-operate at sacrificial rites*; *e.g.*, in such expressions as 'the washerman's consort' (though no sacrificial performance is possible for the washerman). Similarly in the case of the 'kept' woman also, the name 'housewife' is applied, in the sense of the 'wife'; and this on the ground of certain points on which such a woman resembles the real *wife*. Though it is true that, so long as a word can be used in its direct sense, it is not right to have recourse to its figurative sense,—yet what the writer does is to explain, in a friendly spirit, to dull-headed people, the impropriety of entertaining certain notions; specially what notion is there that may not be entertained by dull-headed people?

The qualification '*in the natural order*' has been added in view of what follows later on.

Those who adopt the reading '*ta eva ṭē*', for them also the meaning is the same—*i.e.*, 'they belong to the same caste.'

The following arguments have been urged in connection with this subject:—"What is the authority at the root of this and similar assertions made by the authors of *Smṛtis*? Inasmuch as these do not make mention of *anything to be done*, they cannot stand on the same footing as the teachings regarding *Virtue and Vice* (what should be done and what should be avoided); and we have already shown that there is no other authority possible. If another *Smṛti*-text were cited as the requisite authority, then this would come to be a case of 'the blind leading the blind'; as has been made clear under the verse dealing with the sources of knowledge of '*Dharma*' (2·6)."

The answer to the above is as follows:—The authority consists in the practices of experienced men; just as in the case of the *Smṛti*-rules bearing on the *correctness of words* (*i.e.*, grammar). It is true that the said practices may be defective and misleading. But it is there that the rules laid down in the *Smṛti* come in useful, as serving to control them. Specially as it cannot be said that the '*Smṛti*,' 'recollection,'

of learned men is wrong; for persons intent upon the following of the scriptures are universally known as exceptionally trustworthy; and the basic authority for these would consist in eternal usage.

It is the theory of some people that men who are steeped in the study of the *Smṛti* and belong to certain selected noble families may be able to have a direct (intuitive) knowledge of things. This we have dealt with in detail in the *Smṛtiviveka.*

"In another *Smṛti* (Yājñavalkya, 1·20) there are no such qualifying conditions as we find in the present text; all that is said there is—'Children born to men of a certain caste from women of the same caste, are also of the same caste;—sons born of unblamable marriages are the perpetuators of the race';—where the first half indicates the *caste* of the child, and the latter declares the fact of the products of the '*Brāhma*' and other marriages being 'perpetuators of the race.' Now in this text, all that is said is 'sons born to a man from women of the same caste,' and there is no mention of the name '*patnī*,' '*consort.*'"

How can it be said that there is no such qualification, when it is added later on that 'this rule applies to the case of *wedded* women' (Yājña, 1·92)? Further, what if there is no qualifying phrase in this other text? A qualified text is always more authoritative than an unqualified one; as *perception* is always more reliable than *non-perception*; it is just possible that the qualifying condition, actually present, may have been seen by one, but missed by the other (writer).

From all this it follows that the 'recollection of learned men' is authoritative, on account of the possibility of its being based upon the *Shruti.*

"The definition provided by the verse is not correct, since it does not include all that should be included. For instance, under the definition 'Brāhmaṇa-hood' could never belong to the 'son taken along with the mother,' the 'maiden-born son,' or the 'son of the remarried woman.' It might be argued that—

'as in the cases of the *son born of another man to an unwidowed woman, the son born to a widow* and the *soil-born* son, so in the case of these sons also, it is intended that Brāhmaṇa-hood should not belong to them.' But in that case, what would be the caste of these? Further, if the 'son of the unwidowed woman born of another man,' and the 'son of the widow' were not *Brāhmaṇas*, there could be no possibility of anyone thinking of feeding them at *Shrāddhas*, and hence there would be no point in the prohibition (contained in 3·155, 156) of such feeding. Then again, such a view would be contrary to other *Smṛti*-texts. For instance, we read—'This rule that I have described pertains to sons of the same caste as the father.' (*Yājñavalkya*, 2·133).

"Further, as a rule, the *definition* is the same as the *thing defined*,—the only difference being that 'what is to be defined' is not known, while 'the definition' is well known. *E.g.* it being doubtful (not known) who *Devadatta* is, we have the *definition*—'he who is wearing the armlet and the ear-ring, of the developed chest and rounded arms' (all which is already known). What the present text does is to declare,—in answer to the question *who is a Brāhmaṇa?*—that '*he is one born of a Brāhmaṇa;*' and this is exactly as if, on being asked —'what is a crow?'—one were to say 'it is what is born of a crow!' In fact, it is still to be known what is that 'Brāhmaṇa-hood' that belongs to the father.

"The definition is illogical also: In the world one born of a female from a male of the same genus always belongs to that same genus; *e.g.*, what is born of the cow is of the genus of the 'cow,' what is born of the 'mare' is of the genus of the horse' [and certainly in all these cases *marriage* does not enter as a necessary factor]."

The answer to the above is as follows:—First of all it has been asked—what would be the caste of certain kinds of sons? Well, what is the need for any 'caste?' They belong to the genus 'man;' and even without having any specific caste-

distinction attributed to them, they become entitled to all that characterises the *man*,—both as 'sons' and as persons dealing with *Shrāddhas*. Specially as all men are equally entitled to *making gifts*.

"But in the absence of further distinction, dealings with the man could not proceed (merely on the basis of his belonging to the genus 'man'); for the simple reason that the genus 'man' is common to all human beings."

There is no force in this; every person has his own distinctive appellation; every man is called either 'Devadatta' or 'Yajñadatta.' Then, if it be considered necessary to specify the particular relationship of the persons in question,—well, they have such appellations as '*Kānīna*' ('maiden-born'), '*Sahoḍha*' ('taken with the mother') and so forth.

"But all these names are found among all the four castes; so that they also would be general (just like the genus 'man')."

In that case, they would be distinguished by the name of their father—'he is the *maiden-born son* of Devadatta,' and so forth.

Thus there is no force in the argument based upon the difficulty of distinguishing these sons.

All the laws that are formulated here are with reference to all the four castes; as is clear from what has been declared in 1·2 above. That is why we have the plural number in the text, which refers to the four castes, '*Brāhmaṇa*' and the rest. The persons here mentioned do not all belong to any one caste; since the definition set forth is such as is applicable to all castes. Just as the son born to a *Brāhmaṇa* from his wedded *Brāhmaṇī* wife is a *Brāhmaṇa*, so is the son born to a Kṣattriya and the other castes also, born of parents of the same caste, belong to that same caste. Then again, there could be no 'genus' in the absence of all particulars. *E.g.*, in the absence of the *particular* trees, *Shimshapā* and the rest, where could there be the *genus* 'tree?'

The 'mixed castes' are of two kinds—the product of marriages 'in the natural order,' and the product of marriages of the 'reverse order.' Now those of the former class take the mother's caste; while the products of marriages of the 'reverse order' have no duties save the most general ones of 'not injuring living beings' and so forth (enumerated in 10·63). All kinds of sons have been duly specified with their own distinctive names, and yet even the name of the products of 'reverse marriages' is not found mentioned.

"What are those *duties* to the performance whereof these people would be entitled? Where too is the text that makes them so entitled? The duties described here are not with reference to any particular caste; the text—'Of the mixed castes etc., etc.' (1·2) clearly indicates that what is described pertains to *all castes*."

The answer to the above is as follows:—As regards the mention of the general duties of 'not injuring others' and the rest, with reference to *the four castes*, it is clearly meant to be applicable to *every human being*.

Even though the text occurs in connection with sons born of 'marriages in the reverse order,' yet its direct meaning bears upon *all men*. In reality however it is more logical to take it as pertaining to such castes as stand on the same footing as those born of 'reverse marriages,' and it cannot stop short only at what is indicated by the context. This we shall explain under the text (10·63) itself.

Then again, we have the following declaration—'All those born of violation of the law are equal to Shūdras;' (Manu 10·41),—where 'violation of the law' stands for 'absence of sacramental rites;' and this is of eight kinds, as described under verse 24 below;—where 'adultery' stands for sexual intercourse with the wives of other men belonging to one's own caste; other matters relating to this matter we shall explain later on.

Thus then it follows that, even though the sons born of such 'violations of the law' do not belong to any caste, yet their

title to the performance of certain acts rests upon the direct *declarations* of the texts.

In the case of the Kṣattriya the child should be taken to belong to the mother's caste; because there are texts indicative of this: In connection with the '*Dvyāmuṣyāyaṇa*' son a peculiar ceremony has been prescribed (?); and in connection with other *Shrauta* rites also, we find a distinct procedure laid down with reference to him (?)

From all this it follows that it is only the son belonging to the *Brāhmaṇa* caste who is entitled to an equal share with his uncle; hence it is that it is declared that 'one should receive him legally.' (?) All this would not be well if the injunction were in the aforesaid form. Because according to that 'he would be equal to the *Shūdra*;' and as property is meant for sacrificial performances (to which the *Shūdra* is not entitled), how could he be entitled to any share of it?

As for the son 'born of another man while the husband is alive,' and that 'born of a widow,' these are only 'soil-born' sons. Such is the custom among all civilised men; *e.g.*, Pāṇḍu, Dhṛtarāṣṭra and Vidura, all 'soil-born' sons, took the caste of their respective mothers.

Then again, the 'outcast' also has been excluded from being invited at *Shrāddhas*; and yet as he would be beyond the pale of all morality, there could be no possibility of any idea being entertained regarding his admissibility [so that the objector was not justified in drawing any conclusions from the exclusion of the 'soil-born' sons from *Shrāddhas*].

As regards the text quoted above (from Yājñavalkya, 2·133),—since it is a mere reference, it may be explained away somehow. Or we may take it as referring to the 'appointed' son.

Then as regards the argument that "it is only what is well-known that can serve as the *definition* (the distinguishing feature) of anything,"—we ask—Is not the meaning of the term '*Brāhmaṇa*' already known? In fact what the text

does is to preclude the idea of 'illegitimacy' being entertained regarding persons to whom the name '*Brāhmaṇa*' is applied,—the sense being that they belong to the caste of their parents. Nor can it be argued that this would lead to a *regressus ad infinitum*; as the world has had no beginning in time.

It has been urged that what is here stated is illogical. But this could be so only if the matter of castes were something negotiable by direct perception. As a matter of fact however it is something that can be determined only with the help of *Smṛtis*, and as such must be as they are declared to be in these texts. Just as in the case of such titles as '*Vashiṣṭha*' and the like (family-names), it is found that, even in the absence of any blood-relationship with the personage named, they are applied to men on the basis of uninterrupted tradition handed down from times immemorial; and serve as the basis of such expressions as 'the Vashiṣṭhas are listening.' And the case of the castes also should be taken as standing on the same footing. Just as in the case of a number of Brāhmaṇas, all of whom are equally 'Brāhmaṇas,' they are classified as '*Bhṛgus*,' '*Vatsas*,' '*Bhāradvājas*,' and so forth—such distinction being based entirely upon '*Smṛti*,'—so in the case of a number of persons, all of whom are equally 'men,' they come to be distinguished as '*Brāhmaṇas*,' '*Kṣattriyas*' and so forth.

Some people have brought forward (against the view that Brāhmaṇas must be born of duly wedded Brāhmaṇa couples) the case of Jābāla: Satyakāma Jābāla asked his mother—To what *gotra* do I belong? She answered—I do not know, as I obtained you while I was, during my youth, attending, as a maid, upon several men. Having heard this, the boy went over to Hāridrumata Gautama, and said—Revered Sir, I wish to reside with you as a Religious Student. The sage asked him—To what *gotra* do you belong? The boy answered—I asked my mother, and she told me that in her youth, she obtained me etc., etc.;—whereupon Gautama concluding that no non-Brāhmaṇa

could speak so frankly, directed him to fetch fuel and said—'I shall initiate thee.' What the mother meant was that in her youth she met many men, and she knew not from whom the child was born; and what Gautama did was to infer, from the boy's truthfulness, that he must have been begotten by a *Brāhmaṇa*, and hence he initiated him. From this these people conclude that sons born to persons from such women of the same caste *as are not duly wedded*, are also of the same caste.

There is however no force in this. All that the mother's statement means is—'I obtained you during my youth'—at a period of life when the mind is fickle, being beset with fancies —'when I was attending'—as a maid-servant, suffering from hunger—'wandering in several places'—not living at any one place,—'hence I have no recollection of the *gotra-name* of my husband.'

From all this it becomes established that sons born to a person from a duly wedded wife of the same caste as himself belong to the same caste. And in the case of Jābāla also, Gautama inferred from the words of the boy, that he must be the son of *Brāhmaṇa*-parents; hence though he recognised him as a *Brāhmaṇa*, he did not know his *gotra*. What he wished to ascertain by means of the question regarding the boy's *gotra*, was the special Vedic Rescension to which he belonged; and this for the reason that the exact method of his initiation would vary with the Rescension to which one belonged; while his *gotra* has no bearing upon the initiation at all. And it is not, as some people have explained, that "the question really referred to the boy's *caste*, the idea in the sage's mind being that he would deduce the caste from the nobility of his race, while a direct question about *caste* would be impolite."—(5)

SECTION (2).—MIXED CASTES

VERSE VI

THE SONS BEGOTTEN BY TWICE-BORN MEN ON WIVES OF THE NEXT LOWER CASTES, THEY DECLARE TO BE EQUAL, TAINTED AS THEY ARE BY THE DEFECT OF THEIR MOTHERS.—(6)

Bhāṣya.

Sons begotten,—in the natural order—on wives of the next lower caste'—*i.e.*, the caste immediately lower—are to be regarded as '*equal*,'—not of the same caste. That is the son of a Brāhmaṇa father from a *Kṣattriya* mother, or of a *Kṣattriya* father from a *Vaishya* mother, is 'equal' to the father, and not the very same.

And the reason for this is that they are '*tainted with the defect of their mother*.'

This declaration of 'equality' implies that the sons are superior to the mother, but inferior to the father.

'*By twice-born men*.'—The use of the plural number and the fact that the caste is determined with reference to the mothers, indicates that this is possible only in the case of marriages 'in the natural order.' For in the case of marriages 'of the inverse order,' the caste would be determined with reference to the father, who is of a lower caste than the mother. It is for this reason that the preceding verse has added the phrase 'in the natural order.' What we said in the Bhāṣya on the preceding verse, that this phrase had been added 'with a view to what follows,' did not refer to this, but to the forthcoming verses.—(6)

VERSE VII

SUCH IS THE ETERNAL LAW RELATING TO THOSE BORN OF WIVES OF THE NEXT LOWER CASTES; KNOW THIS

(FOLLOWING) TO BE THE RIGHT RULE PERTAINING TO THOSE BORN OF WIVES TWO OR THREE DEGREES LOWER.—(7)

Bhāṣya.

The first half of the verse reiterates what has gone before ; and the second half contains a brief indication of what follows.

'*Two or three degrees lower.*'—For the Brāhmaṇa, the wife '*three degrees lower*' would be the *Shūdra* ; and the Vaishya would be '*two degrees lower.*'

There is not much useful purpose served by this verse. —(7)

VERSE VIII

FROM THE *Brāhmaṇa* ON A *Vaishya* MAIDEN IS BORN THE '*Ambaṣṭha*' AND ON A *Shūdra* MAIDEN THE '*Niṣāda,*' WHO IS CALLED '*Pārashara.*'—(8)

Bhāṣya.

For the *Brāhmaṇa*, the *Vaishya* girl is 'two degrees lower,' and the child born of her is the '*ambaṣṭha*' ; called in another *Smṛti* (Gautama, 4·20) '*Bhṛjyakaṇṭha.*'

The child born of the *Shūdra* girl, who is 'three degrees lower,' is the '*Niṣāda,*' also called '*Pārashara.*'

'The name '*Niṣāda*' also belongs to a caste born from a marriage of the 'inverse' order. (See verse 15 below).

The term 'maiden' stands for *woman in general,*—say some people; '*Vaishya maiden*' meaning *Vaishya woman* ; and so on throughout.—(8)

VERSE IX

FROM THE *Kṣattriya* ON A *Shūdra* MAIDEN IS BORN A BEING CALLED 'UGRA,' OF THE STUFF OF THE *Kaṣttriya* AND *Shūdra,* CRUEL IN HIS DEEDS AND DEALINGS.—(9)

Bhāṣya.

'*Deeds and dealings*'—stand for actions of body and speech. Both these are cruel in the case of the caste mentioned.

This is only a description of the character of the man;—the term '*stuff*' standing for *nature.* The two natures assert themselves, since the child is born of the two castes.—(9)

VERSE X

CHILDERN OF THE *Brāhmaṇa* FROM THE THREE LOWER CASTES, OF THE *Kṣattriya* FROM THE TWO LOWER CASTES, AND OF THE VAISHYA FROM THE ONE LOWER CASTE,—THESE SIX HAVE BEEN DECLARED TO BE 'LOW-BORN.'—(10)

Bhāṣya.

The first three quarters of this verse contain a mere reiteration of what has gone before; and the fourth serves the purpose of pointing out the meaning of the term '*Apasada,*' '*Low-born*';—the meaning being that the children of the three castes born of women one, two and three degrees lower should be known as 'low-born.'

These are called 'low-born' because, though they serve the purposes of the 'son,' they are of a lower status than the son born of a wife of the same caste.—(10)

VERSE XI

ONE BORN FROM THE *Kṣattriya* ON THE *Brāhmaṇa* MAIDEN IS '*Sūta*' IN CASTE; AND THE SONS BORN ON THE *Kṣattriya* AND THE *Brāhmaṇa* MAIDEN FROM THE VAISHYA ARE '*Māgadha*' AND '*Vaidēha*' RESPECTIVELY.—(10)

Bhāṣya.

The foregoing rules apply to marriages in the 'natural order,' those pertaining to the marriages of the 'reverse order' are now stated.

The significance of the term '*maiden*' has been already explained.

From the *Vaishya* are born the '*Māgadha*' and the '*Vaidēha*,' respectively; *i.e.*, that born from the *Kṣattriya* girl is the '*Māgadha*' and that born of the *Brāhmaṇa* girl, the '*Vaidēha*.'—(11)

VERSE XII

FROM THE *Shūdra* ON THE *Vaishya*, THE *Kṣattriya* AND THE *Brāhmaṇa* MAIDEN ARE BORN THE MIXED CASTES, '*Āyogava*,' *Kṣattṛ* AND THE '*Chaṇḍāla*,' THE LOWEST OF MEN.—(12)

Bhāṣya.

Here also the names are to be taken respectively.

Though the terms '*Vaishya*' and '*Rājanya*' (without the feminine ending are denotative of the mere castes, yet from the force of implication they are understood to mean the girls of those castes; just as in the case of such expressions as '*Mṛgakṣīram*' and '*Kukkuṭāṇḍam*' (where the *mṛgī*, the *female deer* and the *Kukkuṭī*, the *hen*, are meant). The feminine endings have been dropped on account of metrical considerations.—(12)

VERSE XIII

AS THE '*Ambaṣṭha*' AND THE 'UGRA' ARE BORN IN THE 'NATURAL ORDER' FROM A WOMAN TWO DEGREES REMOVED,—EVEN SO HAVE BEEN DECLARED TO BE THE '*Kṣattṛ*' AND THE '*Vaidēha*,' THOUGH BORN IN THE 'INVERSE ORDER.'—(13)

Bhāṣya.

From the *Brāhmaṇa*, on the *Vaishya* girl—who is two degrees lower—is born the '*Ambaṣṭha*,' and the '*Ugra*' is born from the *Kṣattriya* on the *Shūdra* girl—who is two degrees lower;—both these being '*born in the natural order*.' Similarly '*in the inverse order*,' the '*Kṣattṛ*' is born from the *Shūdra* on

the *Kṣattriya* girl—who is two degrees higher,—and the '*Vaidēha*' is born from the Vaishya on the Brāhmaṇa girl—who is two degrees higher.

And both these two sets stand on the same footing, as regards the performance of the sacred rites,—but not as regards the functions of officiating at sacrifices and so forth.

Among the products of the 'inverse marriages,' the '*Chaṇḍāla*' alone is untouchable; as under verse 5·85, *bathing* has been prescribed as to be done only when one touches the *Chaṇḍāla*, and not any other product of 'inverse marriages.' So that as regards the mixed castes, '*Sūta*,' '*Māgadha*' and '*Āyogava*,' their treatment as regards *touchability* and so forth is to be like the '*Chaṇḍāla*,' on the ground of their being mentioned along with this latter, and this on the principle of the 'stick and the cake' (where the stick being placed within the cake, what happens to the one happens to the other also).—(13)

VERSE XIV

THE SONS OF TWICE-BORN MEN FROM WOMEN OF THE NEXT LOWER CASTE, WHO HAVE BEEN ENUNCIATED IN DUE ORDER, ARE CALLED BY THE NAME OF THE LOWER CASTE, ON ACCOUNT OF THE TAINT ATTACHING TO THEIR MOTHERS.—(14)

Bhāṣya.

The child born of the *Brāhmaṇa* on the *Kṣattriya* or the *Vaishya* mother, as also one born of the *Kṣattriya* father from the *Vaishya* or the *Shūdra* mother,—they call by the name of the lower caste; *i.e.*, their caste is the next lower in the natural order; which means that they are of their mother's caste.

Much significance is not meant to attach to the term 'next lower,' hence it is added—'*on account of the taint attaching to their mothers.*' That is they are not affected by the superior caste of their father. Hence, even though in

reality they belong to 'mixed castes,' yet they have been declared to be of their mother's caste. And this means that the proper sacramental rites should be performed. Apart from the present text, there is nothing to indicate that for the persons concerned the sacramental rites proper for the *Kṣattriya* and *Vaishya* should be performed. And the reason is that like the *mule*, their caste is a totally different one. But since the present text declares that they are of their mother's caste, there can be nothing wrong in the performance of their sacramental rites.—(14)

VERSE XV—XVIII

THE '*Āvṛta*' IS BORN FROM THE *Brāhmaṇa* ON THE 'UGRA' MAIDEN, THE '*Ābhīra*' ON THE '*Ambaṣṭha*' MAIDEN AND THE '*Dhigvaṇa*' ON THE '*Āyogava*' MAIDEN.—(15)

FROM THE *Shūdra* SPRING IN THE INVERSE ORDER THREE LOW-BORN SONS—THE '*Āyogava*,' THE '*Kṣattṛ*,' AND THE '*Chaṇḍāla*,' THE LOWEST OF MEN.—(16)

FROM THE VAISHYA ARE BORN IN THE INVERSE ORDER THE '*Māgadha*' AND THE '*Vaidēha*'; BUT FROM THE *Kṣattriya*, THE '*Sūta*' ONLY; THESE THREE BEING THE OTHER 'LOW-BORN' ONES.—(17)

ONE BORN FROM THE '*Niṣāda*' ON THE *Shūdra* WOMAN IS A 'PUKKASA' BY CASTE; BUT ONE BORN FROM THE *Shūdra* ON THE '*Niṣāda*' WOMAN IS CALLED THE '*Kukkaṭaka*'.—(18)

Bhāṣya.

The '*Niṣāda*' meant here is not the caste born from the Brāhmaṇa on the Shūdra girl, which has been described above (Verse 8), but the child born in the 'inverse order,' which is going to be mentioned later on. That this must be so is clear from the fact that the present context deals with '*inverse-born castes*;' it being well-known that the '*Pukkasa*' is a caste of this latter class.—(15—18)

VERSE XIX

ONE BORN FROM THE '*Kṣattṛ*' ON EHE '*Ugrā*' WOMAN IS CALLED '*Shvapāka*;' AND ONE BEGOTTEN BY THE '*Vaidēha*' ON THE '*Ambaṣṭha*' WOMAN IS CALLED '*Vēṇa*.'—(19)

Bhāṣya.

The women are of the 'inversely' mixed castes, and the men of the 'naturally mixed castes;' from the union of these are born the '*Shvapāka*' and the '*Vēṇa*', both inversely mixed castes.—(19)

VERSE XX

THE SONS THAT THE TWICE-BORN MEN BEGET ON WIVES OF EQUAL CASTE, BUT WHO, NOT FULFILLING THEIR SACRED DUTIES, BECOME EXCLUDED FROM THE *Sāvitrī* —SHOULD BE DESIGNATED AS '*Vrātyas*' (APOSTATES). —(20)

Bhāṣya.

These do not belong to any inversely mixed caste; and yet they are mentioned here with a view to what follows in the following verses.

'*The sons begotten by the twice-born men on wives of the same caste*',—if they deviate from the duties in connection with the Veda—*i.e.*, if they fail to become regular Religious Students and so forth,—and as such '*become excluded from the Sāvitrī*',—and hence fail to pass through the Initiatory Ceremony,—they should be designated as 'Apostates.'

'*Avratān janayanti*'—would not be the right construction; because when children are born they are neither 'fulfillers,' nor 'non-fulfillers,' 'of sacred duties;' since the Initiatory Rite is prescribed as to be performed only *after* the child has been born. Hence the term '*avratān*,' '*not fulfilling their sacred duties*,' has to be taken as representing what is meant by the definition of the 'Apostate' as provided here,—

such representing being necessary for the setting forth of what follows.

Some people read—'*avratāyāñjanayanti tān vrātyān, etc.*'—' they should designate as *Apostates* those whom the twice-born men beget on wives who are unfaithful.'

But this is not right; as this would be incompatible with the accepted definition of the 'Apostate'.—(20)

VERSE XXI

FROM THE 'APOSTATE' *Brāhmaṇa* IS BORN THE EVIL-NATURED '*Bhṛjjakaṇṭaka,*' THE *Āvantya*, THE '*Vāṭadhānī,*' THE '*Puṣpadha,*' AND THE '*Shaikha.*'—(12)

Bhāṣya.

'*On wives of the same caste*'—of the preceding verse—is to be construed with this also.

Though the caste of the women is not specified in this text, and yet it being necessary to know her caste, we learn it from another *Smṛti*, where it is said that—'The son born to the Brāhmaṇa from a *Vaishya* woman is called *Bhṛjjakaṇṭaka*' (Gautama, 4·20).

The characteristic of this caste is stated—'*evil-natured.*' The one described before (under 8) is not 'evil-natured,' because he is born 'in the natural order'; the one mentioned here is rightly decried, because he is born of an Apostate for whom the sacramental rites have not been performed, and is, as such, not entitled to any religious acts.

The several names are mentioned not merely by way of synonyms, but in order to show by what names the particular mixed caste is known in different countries.

The older writers however explain that the second and following names are those of the successive descendants of the '*Bhṛjjakaṇṭaka.*' That is, the son born from the Brāhmaṇa mother is the '*Bhṛjjakaṇṭaka,*' that born from the 'Āvantya'

mother is the 'Āvantya' or the 'Vāṭadhāna'; from the 'Vaṭadhāna' mother is born the 'Puṣpadha,' and from the 'Puṣpadha' the 'Shaikha,' and so on.—(21)

VERSE XXII-XXIII

From the 'Apostate' *Kṣattriya* is born the 'Jhalla,' the 'Malla,' the 'Lichchhivi,' the '*Naṭa*,' the '*Karaṇa*,' the 'Khasa' and the '*Draviḍa*.'—(22) And from the 'Apostate' Vaishya is born the 'Sudhanvan' the '*Āchārya*,' the '*Karuṣa*,' the 'Vijanman,' the 'Maitra' and the '*Sāttvata*.'—(23)

Bhāṣya.

These several castes should be known by these names.—(22-23)

VERSE XXIV

'Confused castes' are produced by infidelity among the castes, by the marrying of women unfit for marriage, and by the neglect of one's duties.—(24)

Bhāṣya.

'*Infidelity*'—Adultery, with women of the same caste, either unmarried, or married to others either in the 'natural' or the 'inverse' order.

'*The marrying of women unfit for marriage*,'—*i.e.*, those that should not be married; *e.g.*, sister, grand-daughter and so forth.

'*Neglect of one's duties*'—such as Initiation, study of the Veda and so forth;—according to some people the profession of the *Kṣattriya* also would be the Brāhmaṇa's 'duty' if it happens to have been followed in the family for two or three generations.—(24)

VRESE XXV

I AM GOING TO DESCRIBE THOSE PERSONS OF MIXED ORIGIN WHO ARE BORN IN THE NATURAL AND IN THE INVERSE ORDER AND ARE MUTUALLY CONNECTED. —(25)

Bhāṣya.

'*Connection*' means *relationship*—of 'natural' sons with those of the 'inverse' order, and also with others of the 'natural' order,—of sons of the 'inverse' order with other sons of the same kind as also with those of the 'natural' order.

This verse serves to introduce the enumeration of the names in the following verses.—(25)

VERSE XXVI

(1) THE '*Sūta*,' (2) THE 'VAIDEHA,' THE '*Chaṇḍāla*,' THE LOWEST OF MEN, (4) THE '*Māgadha*,' (5) THE '*Kṣattṛ*' CASTE, AND (6) THE '*Āyogava*.'—(26)

Bhāṣya.

These 'inverse' castes, defined above, are mentioned here, for the purpose of laying down what follows.—(26)

VERSE XXVII

THESE SIX BEGET SIMILAR CASTES ON WOMEN BELONGING TO THE SAME CASTE AS THEMSELVES; SO ALSO THOSE BELONGING TO THE MOTHER'S CASTE PROCREATE (ON WOMEN OF THE SAME CASTE), AS ALSO ON WOMEN OF HIGHER CASTES.—(27)

Bhāṣya.

'*These*'—the '*Sūta*' and the other sons of the 'inverse order'—'*beget similar castes on women belonging to the same caste as themselves*,'—*i.e.*, children belonging to the

same caste; *e.g.*, on a '*Sūta*' mother, the '*Sūta*' father begets a son of the '*Sūta*' caste; similarly on a '*Chaṇḍāla*' mother the 'Chaṇḍāla' father begets a son of the '*Chaṇḍāla*' caste.

'*So also those belonging to the mother's caste procreate*'—the sons of the 'natural order,' who belong to their mother's caste,—those described above as 'called by the name of the lower caste.' (14).

These also beget sons of their own caste on women belonging to the same caste as themselves; *e.g.*, the '*Ambaṣṭha*' father on the '*Ambaṣṭha*' mother. So also on a *Vaishya* woman, a person of the lower caste, begets *Vaishyas*; because of the mention of the 'mother's caste.'

Others read '*mātṛjātau prasūyantē*'; and this means as follows:—On women of their own caste,—*i.e.*, the 'Ambaṣṭha' and the rest,—as also on those of their mother's caste—*i.e.*, the Vaishya—they beget sons of the same caste as themselves.

Though the '*Ambaṣṭha*' and the rest are superior to the pure *Vaishya*, yet the text speaks of *equality*; because both are equally entitled to the rights and privileges of the *Vaishya*.

That 'sons of the natural order' are meant is indicated by the term '*mother's caste*',—even though the context clearly pertains to 'sons of the inverse order.'

'*As also on women of higher castes.*'—People, born in the 'inverse order,' having intercourse with women of higher castes, beget sons; and these are of a lower status,—this being understood from the consideration of what follows.

As a matter of fact, sons begotten by the 'Āyogava' and the rest on 'Āyogava' women do not obtain the title of 'Āyogava'; and the 'similarity' meant is simply that they are of the 'inverse order'; and when some sons are declared to be of a 'lower status,' this is based upon the relative status (of the several kinds of sons of the inverse order).

Thus the meaning of the sentence comes to be that—'From persons born in the inverse order are born persons of

the same order, on women belonging to the same or to higher castes.'—(27)

VERSE XXVIII

As to one his own alter-ego is born from two out of the three nearest castes, as also from his own caste,—even so is the order among those out of the outer circle.—(28)

Bhāṣya.

'*For one*'—to the *Brāhmaṇa*—'*his alter-ego is born from two out of the three castes*';—*i.e.*, from the *Kṣattriya* and *Vaishya* woman is born a son invested with the character of the 'double birth,'—'*as also from his own caste.*' Thus on three castes the Brāhmaṇa begets 'twice-born men.'

'*Even so is among men of the outer circle*';—*i.e.*, sons born in the 'inverse order,' for the *Vaishya* and the *Kṣattriya* father from the *Kṣattriya* and the *Brāhmaṇa* mother, respectively, are invested with the 'double birth.'

And when these sons are invested with 'double birth,' they should have the Initiatory Ceremony performed for them; as is going to be added—'These six partake of the character of twice-born persons (41)

The only difference however is that those born 'in the inverse order' take the mother's caste.

As we are going to explain later on, all this is mere commendatory exaggeration.—(28)

VERSE XXIX

Those also beget on each other's wives several 'alien' sons, greatly tainted and despised.—(29)

Bhāṣya.

'*Those*'—the six castes, 'Āyogavas' and the rest—*beget several alien sons, on each other's wives*;—*i. e.*, the *Kṣattṛ*

on the wife of the '*Āyogava*' and so forth,—'*beget sons, despised*'—lower in grade than their father;—*e.g.*, the *Āyogava* begets on the wife of the *Kṣattṛ*, a son who is more 'alien' than himself; and one still more 'alien' on the wife of the *Chaṇḍāla*, and so forth.—(29)

VERSE XXX

AS THE *Shūdra* BEGETS AN 'ALIEN' BEING ON A *Brāhmaṇa* WOMAN,—EVEN SO AN ALIEN PROPAGATES ON FEMALES OF THE FOUR CASTES, A STILL MORE ALIEN BEING.—(30)

Bhāṣya.

The birth of sons among persons of the 'inverse' castes themselves, from each other's wives has been described. Now the birth of sons from women of the four castes is described.

The verbal root '*Sū*' (*to be born*) has been used in this text as synonymous with *to produce*; '*prasūyate*' meaning *begets.*

This is indicated in the next verse.—(30)

VERSE XXXI

ALIENS BEHAVING DISCORDANTLY, BEGET FIFTEEN CASTES, STILL MORE ALIEN, DISGRACED AND NOT DISGRACED.—(31)

Bhāṣya.

Each caste gives rise to several 'mixed castes;' from some castes proceed castes in the 'natural order,' and from some in the 'inverse order,' while from some both 'natural' and 'inverse.' From the Brāhmaṇa only those in the 'natural' order (1—3) and from the Shūdra only those in the 'inverse' order (4—6); and from the *Kṣattriya* and the *Vaishya* proceed those in the 'natural' order, as well as those in the 'inverse' order. From the Kṣattriya proceed *two* 'natural,' and *one*

'inverse' sub-caste; (1—9) from the Vaishya *two* 'inverse' and one 'natural' (9—12).

These make *twelve* sub-castes, 'natural' and 'inverse.'

When each of these has intercourse with women of each of the four castes, they give rise to four divisions of each of these twelve.

Among these some are '*disgraced*,' and others '*not disgraced*'; but all of them are '*still more alien*' than their fathers;—what is meant by this 'alien' character is that they are several degrees removed from their parents, specially on account of their having fallen off from their sacred duties.

All this is explained by means of examples.

We shall enumerate the 'inverse' sub-castes in detail—(A) The Āyogava, born from the Shūdra father and the Vaishya mother, begets four sons on women of the Brāhmaṇa the Kṣattriya, the Vaishya and the Shūdra castes; these along with the *Āyogava* himself make *five*. Similarly the *Kṣattṛ* and the *Chaṇḍāla*. Thus of the *Shūdra* there are three groups of five; which make *fifteen*; (B) Similarly born of the Vaishya father there are two 'inverse' sub-castes,—the 'Māgadha' born of a Kṣattriya mother and the 'Vaidehaha' of a Brāhmaṇa mother; of the Shūdra mother, the son born is of the 'natural' order. Of these when the son born of the Shūdra mother begets sons on the four castes, then the same process takes place. When he has intercourse with a Shūdra woman, then the sub-caste that is born is a degree lower than himself; similarly having intercourse with a Vaishya woman, he begets one still lower. (C) But those born to the Shūdra father from the Brāhmaṇa and the Kṣattriya women are 'superior.' Thus it is that while some are '*disgraced*,' others are '*not disgraced*.' The same holds good regarding the Brāhmaṇa and the Kṣattriya father. But in the case of the Brāhmaṇa there is this peculiarity that to him all the sons that are born are in the 'natural' order. A combination among these sub-castes

gives rise to endless divisions. This is what has been spoken of above (in 29)—'that beget many alien sons etc.'

'*Discordantly*,'—contrary to law.

'*Behaving*'—having intercourse.

'*Hīnāhīnān*'—is one compound word. Or (taken as two distinct words), it may mean—'while *disgraced* themselves (*hīnāḥ*) they beget sons *not disgraced* (*ahīnān*).

'*Fifteen castes*';—inasmuch as it has been declared that 'there is no fifth caste' (Verse 4), the term 'caste' must be taken here as used figuratively.—(31)

VERSE XXXII

THE 'DASYU' BEGETS ON THE 'ĀYOGAVA,' THE 'SAIRANDHRA,' SKILLED IN TOILET AND ATTENDANCE, WHO, THOUGH NOT A SLAVE, MAKES HIS LIVING LIKE A SLAVE, AND ALSO LIVES BY CATCHING ANIMALS.—(32)

Bhāṣya.

(*a*) '*Toilet*'—adorning.—(*b*) '*attendance*'—service. That is (*a*) arranging the hair, painting the body with red powder, sandal-paste and such things; and (*b*) shampooing of the hand and feet.

The name here mentioned is applied to a man who knows the exact time when to act, and is capable of acting quickly,—all with the motive of making money.

'*Though not a slave, makes his living like a slave*';—*i.e.*, engaged by his master for a term of one year or six months. Or, it may mean that being skilled as above, he is ever ready, like the slave, to do all he can.

'*Living by catching animals*';—this is a second means of subsistence.

'*Vāgurā*' stands for the killing of wild animals. For the Āryas this is permitted only for the purpose of making offerings to gods and *Pitṛs*, or of allaying hunger; and not for that of making a living by selling flesh in the manner of fowlers.

It is under orders of the king that men take to the profession of killing wild animals.

'*Sairandhra*'—by name.

'*Begets*'—produces.

'*Dasyu*'—a mixed caste going to be described below.

'*Āyogava*'—a particular caste of that name. That a female is meant is implied by the sense of the passage.—(32)

VERSE XXXIII

BUT THE '*Vaidēha*' BEGETS THE *Madhūka-like* '*Maitrēyaka*,' WHO CONSTANTLY PRAISES MEN, AND SERVES AS THE BELL-RINGER AT SUNRISE.—(33)

Bhāṣya.

'*Maitrēyaka*'—by name.

'*Begets*'—*i.e.*, on the 'Āyogava' woman.

The '*Vaidēhaka*'—*i.e.*, one who is born from a *Brāhmaṇa* mother and a *Vaishya* father.

'*Mairēyaka*' is another reading for '*Maitrēyaka*.'

'*Madhūka-like*'—This word expresses a simile; it means that the man is 'as sweet as the *madhūka* flower,' being possessed of a sweet voice. Or, it may mean 'he who behaves like the *madhūka* flower';—the word being formed with the '*Da*' affix; and the elongation of the second vowel being one that is permitted in the case of several words; the elongation of the first vowel being due to the reflexive affix.

'*Who praise men constantly*'—and are called on that account 'bards.'

'*At sun-rise*'—at the time of the rising of the sun,—these people ring the bell; with a view to awaken the King and other rich men.

The caste here mentioned is begotten on the '*Āyogava*' woman,—she being the woman mentioned in this connection. —(33)

VERSE XXXIV

THE '*Niṣāda*' BEGETS THE '*Mārgava*' OR '*Dāsa*,' WHO SUBSISTS BY WORKING THE BOAT, AND WHOM THE INHABITANTS OF *Āryāvarta* CALL 'KAIVARTA.'—(34)

Bhāṣya.

Inasmuch as the present context deals with the castes of the 'inverse' order, the '*Niṣāda*' meant here cannot be the one described above as 'one born of the Brāhmaṇa father and the Shūdra mother;' it must stand for some other 'inverse' caste, akin to the '*Daṣyu.*'

He begets—produces on the '*Āyogava*' woman,—the 'inverse' caste called '*Mārgava.*'

The other two names of this caste are '*Dāsa*' and '*Kaivarta.*'

'*Āryāvarta*' is well-known.

The working of the boat is the livelihood—means of subsistence—for this caste.—(34)

VERSE XXXV

THESE THREE, DEVOID OF CASTE, ARE SEVERALLY BORN FROM '*Āyogava*' WOMEN, WHO WEAR THE CLOTHES OF THE DEAD, ARE IGNOBLE, AND EAT DESPISED FOOD.—(35)

Bhāṣya.

The caste of the mother of the three castes just mentioned, ending with the '*Mārgava*,' having not been mentioned, the present verse gives the purpose of specifiying that caste.

All these are born from '*Āyogava*' women.

The qualifications of these women are next added—'*Who wear the clothes of the dead*'—*i.e.*, those who put on the clothes found on dead bodies.

'*Ignoble*'—Untouchable.

They eat '*despised food*'—*i.e.*, leavings.—(35)

VERSE XXXVI

FROM THE '*Niṣāda*' IS BORN OF THE '*Kārāvara*,' WHO WORKS IN LEATHER; AND FROM THE '*Vaidēhaka*' THE '*Andhra*' AND THE '*Mēda*,' WHO HAVE THEIR DWELLINGS OUTSIDE THE VILLAGE.—(36)

Bhāṣya.

In view of the term '*on Vaidēha woman*' occurring later on (37), the meaning must be that '*on the Vaidēha woman, from the Niṣāda* is born the *Kārāvara*.'

From the *Vaidēhaka* are born the two castes '*Andhra*' and '*Mēda*,'—on what women?—on the *Kāravara* and the *Niṣāda* women respectively. That such is the meaning is implied by the fact of these two being the last spoken of. We explain the verse to mean this in view of the fact that an entirely different caste is born from the *Vaidēha* father on a *Vaidēha* mother. Thus then what is meant is that from the father of the same caste are born two different castes,—this difference being due to the difference in the castes of the mothers.

'*Outside the village*'—is their '*dwelling*,' livinghouse. —(36)

VERSE XXXVII

ON THE '*Vaidēha*' WOMAN FROM THE '*Chaṇḍāla*' IS BORN THE '*Paṇḍusopāka*' WHO DEALS IN BAMBOOS; AS ALSO THE '*Āhiṇḍika*' FROM THE '*Niṣāda*.'—(37)

Bhāṣya.

'*From the Chaṇḍāla, on the Vaidēha woman, is born*' the caste, named *Paṇḍusopāka*.

His livelihood is next stated.—He '*deals in bamboos*',—'*tvaksāra*' being a name of the *Bamboo*; it is by bamboos,—*i.e.*, by buying and selling bamboos and by making mats and other things—that these people live.

'*From the Niṣāda*'—on the same woman—is born the *Āhiṇḍika.* The livelihood of these men may be the one implied by the name itself (*i.e.*, snake-catching), or something else may be found out.—(37)

VERSE XXXVIII

BY THE '*Chāṇḍāla*' ON THE '*Pukkasa*' WOMAN IS BEGOTTEN THE '*Sopāka*,' WHOSE LIVELIHOOD CONSISTS OF DEATH, AND WHO ARE WICKED AND DESPISED BY GOOD PEOPLE.—(38)

Bhāṣya.

'*Vyasana*' is *suffering*;—the '*mūla*,' of it is *killing*; what is meant is that the livelihood of these men is the executing of criminals, the carrying of the dead bodies of men dying without any relations, the taking away of their clothes, eating the cakes offered to the dead, and so forth.

This caste is born from the '*Chaṇḍāla*' on the '*Pukkasa*' woman.

Or, '*mūla*' may be taken as standing for the *roots* of trees, and the '*vyasana*' would stand for the *dissecting* of these; and this forms their livelihood. That is, they live by selling the roots and other things extracted out of the trees that have been cut down.—(38)

VERSE XXXIX

THE '*Niṣāda*' WOMAN BEARS TO THE '*Chaṇḍāla*' THE SON CALLED '*Antyāvasāyin*,' WORKING IN THE CREMATION-GROUND, DESPISED EVEN BY OUT-CASTS.—(39)

Bhāṣya.

They call the *Antyāvasāyin* also 'Chaṇḍāla.'

Or '*Antyāvasāyin*' may be the name of the caste born from the 'Niṣāda' mother and the 'Chaṇḍāla' father.

'*Working in the cremation-ground*'—*i.e.*, living by burning the dead body and so forth.

He is to be regarded as more despised than even the 'Chaṇḍāla.'

As a matter of fact, the number of mixed castes is endless. Hence what the text has done is to give merely an indication of a few of them.—(39)

VERSE XL

THESE CASTES, PROCEEDING FROM MIXTURES, HAVE BEEN DESCRIBED IN RELATION TO THEIR FATHERS AND MOTHERS; AND WHETHER MANIFEST OR UNMANIFEST, THEY MAY BE KNOWN BY THEIR OCCUPATIONS.—(40)

Bhāṣya.

The '*occupations*' that have been just described,—such as *dealing in bamboos* and so forth,—by means of these even the little known castes of the '*Sopāka*' and the rest can be known.

All these have been described through the character of their fathers and mothers.

'*Manifest or unmanifest*,'—they shall be known as belonging to those castes.

In the case of the '*Āyogavī*,' the description was through the caste of the *mother*, and it was through that of the father in the case of the description of the '*Andhra*' and the '*Mēda*' as born from the '*Niṣāda*' and the '*Vaidēhaka*' fathers respectively.—(40)

SECTION (3)—STATUS OF THE MIXED CASTES.

VERSE XLI

SIX SONS BORN OF WOMEN OF THE SAME CASTE AND OF THOSE OF THE NEXT LOWER CASTES PARTAKE OF THE CHARACTER OF 'TWICE-BORN' PERSONS. BUT ALL THOSE BORN OF VIOLATION HAVE BEEN DECLARED TO BE OF THE NATURE OF *Shūdras*.—(41)

Bhāṣya.

From 'twice-born' persons, sons born of women of the same caste as themselves belong to the same caste; and all these '*partake of the character of twice-born persons*';—this is the reiteration of a well-known fact. And the assertion that sons born of women of the next lower caste also stand on the same footing is made for the purpose of indicating that the same rights and privileges belong to those also.

'*Those born of women of the next lower caste*'—*i.e.*, in the 'natural order'; of those born to the Brāhmaṇa father and the Kṣattriya or Vaishya mother, or those born to the Kṣattriya father from the Vaishya mother.

These '*partake of the character of twice-born persons*'—*i.e.*, they should have the Initiatory Rite performed for them, and having become initiated, they become entitled to all that pertains to a twice-born person.

"It has been declared under 14 above that 'they are called by the name of the next lower caste,' which means that all such sons of the natural order belong to their mother's caste; so that it would naturally follow that they are entitled to all that pertains to that caste."

True; but since the passage referred to uses the term 'name,' people might have the idea that the sons are only so *by*

name, and not *by caste*; hence with a view to make the point clear, we have another assertion in the present text, which asserts that '*the six sons partake of the character of twice-born men.*'

Those sons however who are born of '*violation,*'—*i.e.,* of a mixture of the castes—'*are of the nature of Shūdras,*'—*i.e.,* having the character of the Shūdra, they are entitled to the rights and duties of that caste.

The peculiarity in connection with sons born in the 'inverse order' is going to be described later on. The term '*next lower caste*' in the present text has been added only for the purpose of indicating that what is said here applies to the sons of the 'natural order' only. So that the son born to the Brāhmaṇa from a *Vaishya* women, who is one step removed from the 'next lower caste'—also becomes included. But, the number being limited to 'six,' the son born to the Brāhmaṇa from the *Shūdra* woman,—*i.e.,* '*Pārashara*'—is not included here.—(41)

VERSE XLII

BY THE FORCE OF AUSTERITIES AND THE SEED THEY ATTAIN HIGHER OR LOWER RANK AMONG MEN, THROUGH BIRTH, CYCLE AFTER CYCLE.—(42)

Bhāṣya.

'*They*'—*i.e.,* the sons born of the next lower castes,—'*by the force of austerities*' and '*by the force of seed*';—'*cycle after cycle,*'—*i.e.,* in each successive birth;—'*attain higher or lower rank.*'

All this is going to be described under verse 64 *et. seq.*—(42)

VERSE XLIII

BUT BY THE OMISSION OF THE SACRED RITES, AND ALSO BY THEIR NEGLECT OF *Brāhmaṇas,* THE FOLLOWING *Kṣattriya* CASTES HAVE GRADUALLY SUNK TO THE POSITION OF THE LOW-BORN.—(43)

Bhāṣya.

Now follow the details regarding 'the omission of one's duties' spoken of above.

'*Omission of sacred rites.*'—This includes the rites that are done for the person, such as Initiation and the rest, as also those that he does himself, such as the Agnihotra, the Twilight Prayers and so forth. And the '*omission*' of these is the *non-performance* of both these sets of rites. Thus one loses his caste not only by the omission of the Initiatory Rite, but also by the neglecting of those that have been enjoined as to be done after the Initiation.

This is what is meant by '*gradually*';—which means that the continued neglect of the rites reduces successive generations to the position of the *Shūdra*; and this does not refer to the new-born child, who loses his title only by the omission of his Initiation.

It is not that the man's caste becomes *lost;* all that happens is that he becomes liable to be called by such castes-names as the '*Bhṛjjakaṇṭaka*' and the rest.

'*By the neglect of Brāhmaṇas*,'—*i.e.*, by transgressing the injunctions pertaining to Brāhmaṇas. Or it may refer to not consulting the Council of Brāhmaṇas in doubtful matters arising out of the scriptures, in regard to expiatory rites and other cognate matters.—(43)

VERSE XLIV

THE *Puṇḍrakas*, THE *Choḍas*, THE *Draviḍas*, THE *Kāmbojas*, THE YAVANAS, THE *Shākas*, THE *Pāradas*, THE PAHLAVAS, THE *Chīnas*, THE *Kirātas*, THE DARADAS AND THE KHASHAS.—(44)

Bhāṣya.

'*Puṇḍra*'—and the rest originally stood as names of ocuntries; but in the present context they have been used

according to the theory that 'these names really denote the particular Kṣattriya castes, and are only indirectly applied to countries inhabited by them.'

Pāṇini 4. 2. 69 lays down the adding of the '*aṇ*' affix in the sense of *habitation*, and Sū. 4. 2. 81 lays down the elimination of this affix; it is in accordance with this that we have the form '*Puṇḍra*' (which is formed of the term '*puṇḍra*' with the '*aṇ*' affix);—and the elimination is not according to Pāṇini 1. 2. 54.

The assertion that these people have become 'low-born' is based upon the fact that in these countries we do not meet with any clear division of the 'four castes.'

If however these terms be tried to be used irrespectively of the names of countries, then they should be taken as the names of so many castes.

Some people might be led to think that all these races here named are found to be described as *Kṣattriyas*, so that they must be Kṣattriyas still. And it is with a view to preclude this idea that it is asserted that *these are low-born.*

All the people here spoken of form the races inhabiting the borders of Āryāvarta,—such races for instance, as the *Kirāta*, the '*Vēna*', the '*Darada*' and so forth; and it is with reference to this that we have the declaration that 'one should not go to the borders' (*Bṛhadāraṇyaka Upainṣad*, 1. 3. 10).—(44)

VERSE XLV

ALL THOSE RACES OF THE WORLD WHICH ARE OUTSIDE THE PALE OF THE PEOPLE 'BORN OF THE MOUTH, THE ARMS, THE THIGHS AND THE FEET,'—SPEAKING THE 'BARBARIC' OR THE 'REFINED' LANGUAGE—ARE CALLED 'DASYU.'—(45)

Bhāṣya.

That language is called '*mlēchchha*,' '*barbaric*,' which consists of words that either have no meaning, or have a wrong

meaning, or are wrong in form. To this class belong the languages of such low-born tribes as the Shabara, the Kirāta, and so forth.

'*Refined language*' is the language of the inhabitants of Āryāvarta.

These persons, being other than those named as the 'four castes,' are called '*Dasyu.*'

The meaning is that neither habitation nor barbaric speech is a ground for regarding a caste as 'mixed'; it is the fact of people being known by the particular names that makes them to be so regarded. It is thus that they come to be called 'Dasyu.' —(45)

SECTION (4)—OCCUPATIONS OF THE MIXED CASTES.

VERSE XLVI

THE BASE-BORN SONS OF THE 'TWICE-BORN,' AS ALSO THOSE WHO HAVE BEEN DECLARED TO BE 'BORN OF TRANSGRESSION,' SHALL SUBSIST BY LOWLY SERVICES OF 'TWICE-BORN' PERSONS.—(46)

Bhāṣya.

'*Base-born*'—in the natural as well as the inverse order.

'*Born of transgression*,'—the distinction between these and the former is like that between the '*go*' (General term) and the '*balīvarda*' (Particular term).

'*Services*'—menial duties—for the benefit of 'twice-born' persons.

'*Subsist*'—maintain themselves.

'*Lowly*'—because of their menial character.—These are going to be described.—(46)

VERSE XLVII

FOR *Sūtas*, THE MANAGEMENT OF HORSES AND CHARIOTS; FOR *Ambaṣṭhas*, THE ART OF HEALING; FOR *Vaidēhakas*, THE SERVICE OF WOMEN; AND FOR *Māgadhas*, TRADE.—(47)

Bhāṣya.

'*Service of women*,'—Keeping guard over the inner apartments and so forth.

'*Trade*'—by land and by water.—(47)

VERSE XLVIII

FOR *Niṣādas*, THE KILLING OF FISH; FOR *Āyogavas*, CARPENTRY; AND FOR MEDAS, ANDHRAS, *Chuñchus* AND MADGUS, THE KILLING OF WILD ANIMALS.—(48)

Bhāṣya.

'*Carpentry*'—Wood-cutting and other works of the carpenter.—(48)

VERSE XLIX

FOR *Kṣattṛs*, UGRAS AND PUKKASAS, THE KILLING AND CATCHING OF ANIMALS LIVING UNDERGROUND; FOR *Dhigvaṇas*, WORK IN LEATHER; AND FOR *Vēṇas* THE BEATING OF DRUMS.—(49)

Bhāṣya.

'*Animals living underground*'—Snakes, mangoose, the '*gargara*'—*fish*, and so forth;—'*the killing and catching*' of these is the livelihood of the *Kṣattṛ* and the rest.

'*Working in leather*';—the sewing of armour and other things, shoe-making and so forth.

'*Beating of drums*'—such as the *Muraja*, the *Ārdha-muraja* and the rest.

SECTION (5)—HABITATION AND DRESS OF THE MIXED CASTES

VERSE L

NEAR WORSHIPPED TREES AND CREMATION-GROUNDS, ON HILLS AND IN GROVES, THESE SHALL DWELL, DULY MARKED, SUBSISTING BY THEIR RESPECTIVE OCCUPATIONS.—(50)

Bhāṣya.

They shall dwell outside the village, in hilly tracts and other such places.

'*Duly marked*'—Bearing their distinctive caste-mark. They shall subsist by the particular occupation prescribed for each. That is, mixed castes should not take to the occupations of the superior castes.—(50)

VERSE LI

THE DWELLING OF *Chaṇḍālas* AND SHVAPACHAS SHALL BE OUTSIDE THE VILLAGE; THEY SHALL BE MADE '*Apapātra*,' AND THEIR WEALTH SHALL CONSIST OF DOGS AND DONKEYS.—(51)

Bhāṣya.

'*Dwelling*'—living place; this should be far removed from the village.

'*Apapātra.*'—(*a*) Kept aloof; the vessels in which they have eaten shall not be cleaned for further use; they shall be thrown away; with the exception of gold and silver vessels, in connection with which special methods of cleaning have been prescribed.

(*b*) Or, the term '*Apapātra*' may mean that when cooked rice, fried flour or some such food is given to them, they

shall not be given in vessels that are in contact with their body; the food shall be given into the vessel lying on the ground, or held in the hand by some one else, and when the vessel thus filled has been placed on the ground, it shall be taken away by them.

(c) Or again, '*Apapātra*' may mean broken vessel; as it is going to be asserted (in the next verse) that 'they shall eat in broken dishes.'

'*Their wealth shall consist of dogs and donkeys.*'—They shall not receive cows or horses, or gold and silver, as their wealth.—(51)

VERSE LII

THE CLOTHES OF DEAD BODIES SHALL BE THEIR DRESS; THEY SHALL EAT IN BROKEN DISHES; THEIR ORNAMENTS SHALL BE OF IRON, AND THEY SHALL BE CONSTANTLY WANDERING.—(52)

Bhāṣya.

They shall be always wandering; not remaining at any one place.—(52)

VERSE LIII

ONE WHO FOLLOWS THE LAW SHALL NOT SEEK INTERCOURSE WITH THEM; THEIR TRANSACTIONS SHALL BE AMONG THEMSELVES AND THEIR MARRIAGES WITH THEIR EQUALS.—(53)

Bhāṣya.

'*Intercourse*'—'agreement,' 'co-operation,' 'association' are all synonymous. The meaning is that one should not stand or sit or walk about in their company.

'*Marriage*'—taking of wife, and such other acts, should also be done by them among equals only.—(53)

SECTION (6)—OTHER FUNCTIONS OF THE MIXED CASTES.

VERSE LIV

THEIR FOOD SHOULD BE GIVEN TO THEM, THROUGH OTHERS, AND IN A BROKEN DISH; THEY SHALL NOT WANDER ABOUT IN VILLAGES OR CITIES DURING THE NIGHT.—(54)

Bhāṣya.

The householder shall not give the food with his own hands; he shall cause it to be given by his servants, in the manner described above.

The prohibition of wandering about at night in villages, and cities is with a view to prevent the chance of people being touched.—(54)

VERSE LV

DURING THE DAY THEY MAY GO ABOUT ON BUSINESS DISTINGUISHED BY ROYAL SIGNS; THEY SHALL CARRY OUT CORPSES OF PEOPLE WITHOUT RELATIONS; SUCH IS THE LAW.—(55)

Bhāṣya.

'*During the day*'—they '*go about on business*,'—*i.e.*, for the purpose of effecting purchases and sales; or on the King's business, for looking after rejoicings in the city and such other purposes. All this time too they shall be '*distinguished by royal signs*,'—*i.e.*, marked by such signs as those of the thunderbolt and the like, which may be determined by the King;—or by carrying on their shoulder the axe or the chopper or some such weapon as is used in the execution of criminals.—(55)

VERSE LVI

THEY SHALL ALWAYS EXECUTE CRIMINALS, IN ACCORDANCE WITH LAW, UNDER THE ORDERS OF THE KING; AND THEY SHALL TAKE AWAY THE CLOTHES, THE BEDS AND THE ORNAMENTS OF THOSE EXECUTED.—(56)

Bhāṣya.

All this has been already described.—(56)

SECTION (7)—MEN OF IMPURE ORIGIN: THEIR CHARACTERISTICS

VERSE LVII

THE MAN OF IMPURE ORIGIN, WHO IS DEVOID OF CASTE, UNKNOWN, A NON-ĀRYAN, EVEN THOUGH HAVING THE APPEARANCE OF AN ĀRYAN,—ONE SHALL DISCOVER BY HIS ACTS.—(57)

Bhāṣya.

'*Devoid of caste*'—fallen off from the four castes.

'*Unknown*'—*i.e.*, there being doubts regarding his parentage, known to be born illegitimately.

'*By acts*'—going to be described,—as also by the distinctive features of their character,—they shall be recognised. That is, if a man is found to be addicted to wicked acts, and of cruel disposition, and if his parentage is doubtful, it should be concluded that he is of low birth, born illegitimately.—(57)

VERSE LVIII

SNOBBISHNESS, HARSHNESS, CRUELTY, AND PRONENESS TO NEGLECT DUTIES, MARK THE MAN OF IMPURE ORIGIN IN THIS WORLD.—(58)

Bhāṣya.

That man is called a 'snob,' in whose character jealousy and envy form the predominant features, who is entirely selfish; and he is called 'cruel' when he is addicted to greed and injuring others.

'*Neglect of duties*'—omission of prescribed duties.

These characteristics betray the man of low origin.—(58)

VERSE LIX

THE BASE-BORN MAN BEARS THE CHARACTER OF HIS FATHER, OR OF HIS MOTHER, OR OF BOTH; HE CAN NEVER CONCEAL HIS ORIGIN.—(59)

Bhāṣya.

'*Base-born*'—of mixed origin.

'*His origin*';—he cannot hide his birth.—(59)

VERSE LX

EVEN WHEN ONE IS BORN IN A GREAT FAMILY, IF THERE BE A CONFUSION REGARDING HIS PARENTAGE, HE SURELY IMBIBES THE TRAITS THEREOF, TO A GREATER OR LESS EXTENT.—(60)

Bhāṣya.

He imbibes the traits of the man who begot him, and not of him to whom the 'soil' belonged (*i.e.*, his mother's husband), who is known as his 'father.'—(60)

VERSE LXI

THAT KINGDOM IN WHICH SUCH CASTE-DEFILERS ARE BORN OF CRIMINAL INTERCOURSES, SPEEDILY PERISHES, ALONG WITH THE PEOPLE.—(61)

Bhāṣya.

For this reason the King should prevent such caste-confusions.

'*People*'—inhabitants of the Kingdom.

'*Kingdom*'—the Minister and others.—(61)

SECTION (8)—IMPROVEMENT IN THE STATUS OF CASTES

VERSE LXII

FOR ALIENS PERFECTION IS SECURED BY UNREQUITEDLY GIVING UP THE BODY FOR THE SAKE OF *Brāhmaṇas* AND COWS, AND IN DEFENCE OF WOMEN AND CHILDREN.—(62)

Bhāṣya.

'*Unrequitedly*'—without receiving any reward.

'*Defence*'—favour.

'*Aliens*'—children born in the 'inverse order.'

'*Perfection is secured*';—the attaining of a superior caste is called 'perfection,' on the ground of its leading up to it; the meaning being that these people come to be born in a caste where they become entitled to the rights and responsibilities of the higher caste.

Or, '*perfection*' may stand for the *attaining of heaven.*—(62)

VERSE LXIII

ABSTENTION FROM INJURING, TRUTHFULNESS, ABSTENTION FROM UNLAWFUL APPROPRIATION, PURITY AND CONTROL OF THE SENSE-ORGANS,—THIS MANU HAS DECLARED TO BE THE SUM AND SUBSTANCE OF DUTY FOR THE FOUR CASTES.—(63)

Bāhṣya.

'*Purity*'—refers to external purity, brought about by the use of clay, water and such things.

'*Sum and substance.*'—This means that this is what pertains to entire human community, and not only to the Brāhmaṇa and the other castes.

The rest has been already explained.

"If 'abstention from injuring creatures' is the duty of the mixed castes of the 'inverse' order, how is it that it has been declared that—'killing fish is the livelihood of the Niṣādas' (48), 'and the catching of animals, living underground' (49), and 'the killing of wild animals for the *Kṣattṛ* and others?'"

In answer to this some people offer the explanation that the 'abstention from injuring' refers to injury other than that which has been prescribed as one's livelihood.

Others think that what is here meant is that 'abstention from injury' is that kind of duty which is the source of spiritual welfare, and it does not mean the absolute prohibition of all injury. Just as it is in the case of the assertion—'there is no harm in the eating of meat etc., etc.'

"If 'abstention from injury' is *a duty*, how are the men to subsist? Other sources of income being not available to them, and abstention from injury being regarded as conducive to spiritual welfare, what would be their means of livelihood? Specially as all other professions have been restricted to each distinct caste. For instance, teaching and other similar professions, are absolutely impossible, and cannot be available; agriculture and cognate professions are restricted to *Vaishyas*; and service is the exclusive duty of the Shūdra."

How these men are to subsist we shall explain below, under 116. It is further stated (in 46) that 'they shall subsist by doing undespised manual labour for the twice-born people'; and what could be more 'despised' than *injuring living beings*? As for the 'killing of fish,' this could be of no use to twice-born men? It is true that an occasional use for it has been spoken of in connection with *Shrāddhas* and the reception of guests; but that could not serve as a permanent means of livelihood.

From all this it follows that no one is free to do any killing or injuring of living beings.—(63)

VERSE LXIV

IF THE CHILD BORN FROM A *Shūdra* WOMAN TO A *Brāhmaṇa* GOES ON BEING WEDDED TO A SUPERIOR PERSON, —THE INFERIOR ATTAINS THE SUPERIOR CASTE, WITHIN THE SEVENTH GENERATION.—(64)

Bhāṣya.

The offspring here referred to (though mentioned by a masculine noun) stands for the *child in general*, just as in the case of such assertions as '*garbhē gṛhṇāti*,' '*garbhē jātaḥ*' and so forth. The sense of the verse thus comes to be this :— 'A maiden born from a *Shūdra* woman to a Brāhmaṇa father, —if she is '*wedded to*'—acquires the capacity for bearing children, by becoming conjoined in wedlock to—a person of a superior caste *i.e.*, the Brāhmaṇa,—and the girl born of this maiden is again married to a Brāhmaṇa,—and this goes on for seven generations, then in the seventh generation, the child that is born becomes a regular Brāhmaṇa.'

Though the text speaks of the '*superior caste*' in general, yet it should be taken as meaning that the *Shūdra* attains the position of the Brāhmaṇa; and this because the Brāhmaṇa is mentioned in the text, and also because the next verse speaks of the Shūdra attaining the *position of the Brāhmaṇa.*

On the principle enunciated here, the child born from the Vaishya mother (and the Brāhmaṇa father) attains the superior caste in the fifth generation; and that born from the *Kṣattriya* mother, in the third generation.

In all these cases the 'superiority' is in comparison to the caste of the *mother*. So that if the girl born to a Vaishya father from a Shūdra mother is married to a Vaishya, she attains the superior caste in the *third* generation; and the girl born of the Shūdra mother to the *Kṣattriya* father, on marrying the Kṣattriya, acquires the higher caste in the *fifth* generation.

The term '*yuga*' here stands for *birth, generation.*

The '*inferior*'—one belonging to a lower caste—attains the '*superior*'—the higher caste.

The article '*ā*' (in the expression '*ā saptamāt*') indicates *limit*.—(64)

VERSE LXV

THE *Shūdra* ATTAINS THE POSITION OF THE *Brāhmaṇa* AND THE *Brāhmaṇa* SINKS TO THE POSITION OF THE *Shūdra*; THE SAME SHOULD BE UNDERSTOOD TO BE THE CASE WITH THE OFFSPRING OF THE *Kṣattriya* OR OF THE VAISHYA.—(65)

Bhāṣya.

That 'the Shūdra attains the position of the Brāhmaṇa' is what has already been asserted above.

'*The Brāhmaṇa sinks to the position of the Shūdra*'.—The '*Brāhmaṇa*' meant here should be understood to be the Brāhmaṇa-born '*Pārāshara*.' If he marries a Shūdra girl of the nature described above, he sinks down to the lower level, in the third generation. This is how they explain this.

People who attain the higher caste, according to the principle here enunciated, become entitled to the sacraments and rites pertaining to that caste.—(65)

VERSE LXVI

(*Question*).—IF A CHILD IS SOMEHOW BORN TO A *Brāhmaṇa* FROM A NON-ARYAN WOMAN, AND ANOTHER IS BORN TO A NON-ARYAN FROM A *Brāhmaṇa* WOMAN,—WITH WHICH OF THESE WOULD THE 'SUPERIORITY' LIE?—(66)

Bhāṣya.

'*Which*'—denotes question.

If the 'seed' forms the more important factor, the children born from mothers of lower castes gradually attain the higher caste of the father; and the same principle might be applied to

the case of the 'soil' being regarded as the more important factor. So that, just as the child born to the Brāhmaṇa father from a 'Non-Aryan,'—*i.e.*, *Shūdra*—mother—'*some-how*' —*i.e.*, even when the woman is not his married wife,—would attain the higher caste—so also '*the child born to a non-Aryan from the Brāhmaṇa woman*' would attain the higher caste, on the ground of the 'soil' being the more important factor;—it having been declared (under 9.34) that 'predominance attaches sometimes to the *seed* and sometimes to the *soil*.'—(66)

VERSE LXVII

THE DECISION IS THAT—'ONE BORN TO AN *Ārya* FROM A *Non-ārya* WOMAN MAY BE AN *Ārya* IN QUALITY; BUT ONE BORN TO A *Non-ārya* EVEN FROM AN *Ārya* WOMAN IS ALWAYS *Non-ārya*.'—(67)

Bhāṣya.

'*Woman*'—female.

'*Non-Ārya*'—belonging to a low caste.

'*To an Ārya*'—to one belonging to a high caste.

Such a person would be an *Ārya.*

"Does he actually become a Brāhmaṇa ?"

No ; he is an '*Ārya*' only '*in quality*,'—only figuratively; *i.e.*, only so far as being entitled to the performance of the *Pākayajña* rites.

This person is called an '*Ārya*' only in comparison with the person going to be described in the latter half of the text.

'*One born to a non-ārya*'—a Shūdra—'*from an Ārya woman*'—a Brāhmaṇa female—'*is always non-ārya*'.

This is the decision.

The meaning of all this is that the pre-eminence of any mixed caste is to be accepted only in accordance with what is distinctly stated in the text, and no inferences should be drawn regarding this matter. Hence the right course would always

be that one should have intercourse with a woman of the same caste as himself; and what is said regarding the 'soil' being the important factor, pertains only to the case of the 'soil-born' son, and not to any other cases.—(67)

VERSE LXVIII

THE SETTLED LAW IS THAT BOTH THESE ARE UNFIT FOR THE SACRAMENTS;—THE FORMER ON ACCOUNT OF THE DEFECT IN HIS BIRTH AND THE LATTER BY REASON OF HIS BEING BORN 'IN THE INVERSE ORDER.'—(68)

Bhāṣya.

Both kinds of children just described,—*i.e.*, the *Chaṇḍāla* and the *Pārāshara*—'*are unfit for the sacraments*';—*i.e.*, should not be 'initiated.'

The text proceeds to add a declamatory statement by way of an argument for what has been just asserted—'*The former on account of the defect in his birth*';—in the case of the child born to a Brāhmaṇa from the Shūdra woman, even though predominance may attach to the 'seed,' his birth is really *defective*, by reason of the lowness of his origin. '*The latter*,'—the Chaṇḍāla, is born 'in the inverse order,' and is the worst of the 'inversely born sons,' on account of the lowness of his father, even though the 'soil' be regarded as the more important factor.—(68)

VERSE LXIX

JUST AS GOOD SEED GROWN IN A GOOD SOIL TURNS OUT WELL, SO IS THE CHILD BORN TO AN *Ārya* FROM AN *Ārya* WOMAN WORTHY OF ALL SACRAMENTS.—(59)

Bhāṣya.

The two spoken of above are not fit for the sacraments; but children born to one from his own caste are quite worthy

of the sacraments. Both these are declamatory assertions. Hence the final conclusion on this matter remains that 'in some cases it is the *seed*, and in others the *soil*, that is the predominant factor,' just as it may be found to be definitely stated in the texts; but the marrying of a woman two degrees removed would not be proper.—(69)

VERSE LXX

SOME WISE MEN EXTOL THE SEED, WHILE OTHERS THE SOIL ; WHILE YET OTHERS EXTOL BOTH THE SEED AND THE SOIL. THE DECISION ON THIS POINT IS AS FOLLOWS.—(70)

Bhāṣya.

There are three theories, each being held by some sage or the other.

(1) Some people assert that the 'seed' is the more important factor; so that the child born to a Brāhmaṇa from a woman of the Kṣattriya or other castes, is superior to his mother's caste.

(2) Others declare the 'soil' to be the more important; whence the 'soil-born' son belongs to the caste of the mother from whom he is born, and to whom he belongs.

(3) Others again hold that both are equally important; as declared in 69—'as good seed sown in good soil etc., etc.'

Not satisfied with any of these views, the Author adds—'The decision *on this point is as follows*;'—*i. e.*, after full consideration the following decision has been arrive at.—(70)

VERSE LXXI

THE SEED SOWN ON BARREN SOIL PERISHES PREMATURELY; AND SOIL WITHOUT THE SEED WOULD BE A MERE BARREN PLOT.—(71)

Bhāṣya.

'***Akṣetra***'—barren ground.

'*Sown*'—thrown in.

'*Perishes prematurely*'—without yielding any harvest.

'*Without seed*'—or sown with bad seed,—the soil is only a '*barren plot*'—an uncultivated land; and from this also no harvest is obtained.—(71)

VERSE LXXII

BECAUSE THROUGH THE POWER OF THE SEED, THOSE BORN OF ANIMALS BECAME SAGES, HONOURED AND EXTOLLED, THEREFORE IT IS THE SEED THAT IS MORE IMPORTANT.—(72)

Bhāṣya.

'*Honoured*'—saluted by men.

'*Extolled*'—are eulogised with eulogistic words.

'*The seed is the more important*';—as held by those who declare the seed to be the more important factor. This however is not right; as has been clearly indicated by what was said under 70 above.

Or, what the expression '*through the power of the seed*' implies is, not the importance of the seed, but a defect;—the sense being that—'people might be led to think that, the fact of Mandapāla and others, born of animals, having become sages *through the power of the seed*, proves the importance of the seed; but in reality, that the children became sages was due, not to the importance of the seed, but to the force of their learning and austerities and to their particularly meritorious acts.—(72)

VERSE LXXIII

HAVING EXAMINED THE *Non-ārya* BEHAVIVG LIKE AN *Ārya* AND THE *Ārya* BEHAVING LIKE THE *Non-ārya*, THE CREATOR DECLARED 'THAT THESE ARE NEITHER EQUAL NOR UNEQUAL.'—(73)

Bhāṣya.

'*Non-ārya*,'—Shūdra.

'*Behaving like an Ārya*,'—devoted to the service of twice-born men, performing the *Pākayajña* sacrifices, always respectful towards Gods and Brāhmaṇas.

'*Ārya*'—Brāhmaṇa and the rest.

'*Behaving like a non-ārya*,'—doing what is forbidden and omitting what is enjoined.

Having '*examined these two*,'—*i.e.* having considered their relative merits; having pondered over the question whether the one or the other was superior in his qualities,—Prajāpati, Manu, made the declaration.

'*They are not equal.*'—Inasmuch as 'caste' is the most important factor, the Shūdra, even though possessed of superior merit, can never be equal to the Brāhmaṇa.

He said again—'*they are not unequal*';—for though of superior caste, the Brāhmaṇa is beset with many defects.

The meaning of all this is that no man can be respected simply on the strength of his caste; what wins respect is quality; if one is devoid of good qualities, his caste cannot come to his rescue; for if it did, then there would be no point in the prescribing of expiatory rites.

From verse 66 to the present one, the text is intended to be a deprecation of the 'confusion of castes,' and the praise of the due performance of one's duties; there is nothing either enjoined or forbidden, nor is anything new asserted. Hence all these verses should be taken as purely commendatory.—(73)

SECTION (8)—FUNCTIONS OF THE CASTES

VERSE LXXIV

Brāhmaṇas OF PURE *Brāhmaṇa-birth*, INTENT UPON THEIR DUTIES, SHOULD DULY PERFORM THE SIX ACTS IN DUE ORDER.—(74)

Bhāṣya.

This is meant to serve as an introduction to the subject of 'Duties in abnormal times.'

'*Yoni*' is *source, birth.*

Brāhmaṇas of pure Brāhmaṇa-birth should perform the six acts:—the root '*upa-jīva*' denoting *performance* here.

'*In due order*,'—in accordance with their rights and capacities; *i.e.* each one doing the act to which he is entitled.

Some of the acts serve spiritual purposes, while others fulfill only material purposes.—(74)

VERSE LXXV

TEACHING, STUDYING, SACRIFICING FOR ONESELF, SACRIFICING FOR OTHERS, GIVING AND RECEIVING GIFTS ARE THE SIX FUNCTIONS FOR THE 'FIRST BORN'.—(75)

Bhāṣya.

These were mentiond under Discourse I, only with a view to eulogising the Treatise; on the present occasion they are mentioned for being enjoined. Though the injunction of each of them singly has already gone before, yet, in a friendly spirit, the author, sets them forth here collectively. And as this statement is dependent upon other injunctions, it is to be taken as reiterating what has been enjoined before, for the purpose of introducing the forthcoming injunction.—(75)

VERSE LXXVI

From among these six functions, three are his means of livelihood: *viz.*, sacrificing for others, Teaching and Receiving gifts from pure men.—(76)

Bhāṣya.

The division of the functions into groups of three is for a distinct purpose. One group of three has been put forward as serving (temporal) ends, while the other is conducive to invisible (spiritual) ends.

'*Pure*'—Not addicted to sinful deeds.

"But the Shūdra also could be *pure.*"

Why should you have an aversion to that?

"It would be contrary to other *Smṛti* texts, where it is laid down that 'the Brāhmaṇas feed at the house of, and receive gifts from, such *twice-born persons* as are praiseworthy for their actions.' In face of this the present text should be explained in such a manner as to avoid the contradiction of those other texts. For so long as a reconciliation of varying texts is possible, it is not right to admit of such contradiction."

As a matter of fact, the present text is merely reiterative; the real *injunction* having gone before, in such texts as—'he shall seek to obtain wealth from Kṣattriyas, etc., etc.' (4·33).

VERSE LXXVII

From the *Brāhmaṇa* coming to the *Kṣattriya*, three of these functions cease;—*viz.*, Teaching, Sacrificing for others, and third, the Receiving of gifts.—(77)

Bhaṣyā.

These three functions, which are the means of livelihood, do not belong to the Kṣattriya; but those that are conducive to spiritual ends—*i.e.*, studying and the rest,—do not cease.

Inasmuch as the *Veda* is the subject-matter in consideration, it is the teaching of the Veda that is forbidden for the Kṣattriya, and not that of the science of archery and other arts and sciences.—(77)

VERSE LXXVIII

For the Vaishya also these three should cease,—such is the law; since *Prajāpati* Manu has not prescribed these duties for those two (castes).—(78)

Bhāṣya.

The sense of this is explained by what has gone before.

'*Those two*'—The Kṣattriya and the Vaishya; for these two, Manu Prajapati has not prescribed the three duties of Teaching and the rest; *i.e.*, he has not declared these to be the duties belonging to them.—(78)

VERSE LXXXI

For the *Kṣattriya* carrying of arms and weapons, and for the Vaishya, trade, cattle-tending and agriculture, are the means of livelihood; while giving, studying and sacrificing constitute their duty.—(79)

Bhāṣya.

These are their functions, which serve to provide them with the means of subsistence.

'*Arms*'—The sword and the rest, as also the incantations bearing upon the use of these.

This verse also is only reiterative of what has gone before; the terms '*vaṇik*' and '*pashu*' (used here) standing for what have been spoken of before as '*vāṇijya*' and '*pashupālana*.'

Though studying and the rest are the 'duty' of all the three twice-born castes, yet they are chiefly so for these two.—(79)

VERSE LXXX

AMONG THEIR RESPECTIVE OCCUPATIONS, THE MOST USEFUL ARE—CONSTANT VEDIC STUDY FOR THE *Brāhmaṇa*, PROTECTION FOR FHE *Kṣattriya* AND COMMERCIAL DEALINGS FOR THE VAISHYA.—(80)

Bhāṣya.

'*Vedic study*'.—Since the subject-matter of the section is the means of livelihood, this must be taken as standing for the *teaching* of the Veda.

'*These are the most useful among their respective occupations.*' That is, among the means of livelihood sanctioned by the scriptures for them, these are most conducive to their welfare, out of all the other occupations carried on for the purpose of livelihood.—(80)

———

SECTION (9) VARIATIONS IN THE FUNCTIONS OF THE BRAHMANA DUE TO ABNORMAL CONDITIONS.

VERSE LXXXI

IF THE *Brāhmaṇa* IS UNABLE TO SUBSIST BY HIS OWN OCCUPATION AS DESCRIBED ABOVE, HE MAY MAKE A LIVING BY THE FUNCTION OF THE *Kṣattriya*; SINCE THIS LATTER IS NEXT TO HIM.—(81)

Bhāṣya.

When he finds it difficult to maintain himself, his family and his business, and he is unable to obtain wealth sufficient for all this, then he is said to be '*unable to subsist.*'

'*As described above*';—*i.e.*, by Teaching and the rest.

He may make, like the Kṣattriya, a living by guarding over villages and towns, by carrying arms and weapons, and also, if possible, by ruling over the people.

The exact meaning of 'making a living' has been already explained; it does not stand here for the mere maintenance of one's own body; it implies the maintenance of the family and also the carrying on of one's business.

'*He is next to him*'—'*pratyanantara*' is the same as '*anantara.*' Inasmuch as the text has provided this reason, it follows that the occupations of those removed by further degrees (*i.e.*, of the Vaishya or the Shūdra) involve sin for the Brāhmaṇa. Though the abandoning of his own occupation would be the same in all, yet it should not be thought that there is no difference in the degree of transgression of the law involved in having recourse to the occupations of the Vaishya and those of the Shūdra; since, as the next verse declares, the Brāhmaṇa may have recourse to the occupation of the *Vaishya*).—(81)

VERSE LXXXII

If he is unable to subsist by these two occupations, and the question arises as to how it should be,—he may live the living of the Vaishya, having recourse to agriculture and cattle-tending.—(82)

Bhāṣya.

'*If he is unable to subsist by these two occupations.*' The text is meant to lay down a distinct order of sequence; at first he is to adopt the occupation of the caste next to him, and then that of the caste removed a degree further.

The mention of '*agriculture and cattle-tending*' is meant to stand for all the occupations of the Vaishya. That is why *trading* is also permitted, in view of which the author is going to forbid (in 85, *et. seq.*) the selling of certain things by the Brāhmaṇa.

'*He may live the living of the Vaishya.*'—The two acts (denoted by the terms 'live' and 'living') are spoken of as cause and effect,—one standing for the general act of *living*, and the other for the special forms of living.

Some people have held that from among the occupations of the Vaishya, agriculture, trade, and money-lending have been permitted (for the Brāhmaṇa) even during normal times,—just like Teaching and other occupations—under verses 4·5 and 6. In Gautama (10·5 and 6) also we read—'Agriculture and trade done by himself, as also money-lending'; which permits the carrying on of agriculture and trade by the Brāhmaṇa himself.

As for the view that these stand on the same footing as Teaching and other occupations (of the Brāhmaṇa himself),—this has been refuted by us already. If agriculture and other occupations of the Vaishya stood for all three castes, on exactly the same footing,—then, why should 'trade, cattle-tending and agriculture' have been mentioned as the most useful occupation '*for the Vaishya*' (verse 79)? And for the Brāhmaṇa

and the Kṣattriya also, these should not have been mentioned as to be adopted only under the stress of want of livelihood; in fact they should have been mentioned along with 'Teaching, sacrificing for others and receiving gifts from pure men' (76) [which have been mentioned as the special occupations of the Brāhmaṇa].

The conclusion therefore is that so long as the Brāhmaṇa can make a living by teaching and the other occupations laid down for himself, agriculture and the rest are forbidden to him. As regards the texts (4. 5 and 6) permitting these latter for the Brāhmaṇa, the real meaning of this we have already explained under those texts.—(82)

VERSE LXXXIII

BUT EVEN WHEN SUBSISTING BY THE OCCUPATION OF THE VAISHYA, THE *Brāhmaṇa* OR THE *Kṣattriya* SHALL CAREFULLY AVOID AGRICULTURE, WHICH INVOLVES INJURY TO LIVING CREATURES AND IS DEPENDENT UPON OTHERS.—(83)

Bhāṣya.

This deprecation of Agriculture is meant to eulogise the other occupations of the Vaishya, and to forbid agriculture itself. If it had been to be entirely forbidden, the permitting of it (under 82) would become absolutely pointless.—(83)

VERSE LXXXIV

PEOPLE THINK AGRICULTURE TO BE GOOD; BUT THAT OCCUPATION IS DESPISED BY THE RIGHTEOUS; THE IRON-TIPPED WOOD INJURES THE EARTH AND THE EARTHLY CREATURES.—(84)

Bhāṣya.

People think agriculture to be a good occupation; one who carries on agricultural operations obtains much grain, whereby he feeds guests; that is why it is 'good.' To the same end

we have such assertions as—'He who does not till the ground is not loved by his guests,' 'one should carefully carry on agricultural operations,' and 'the plough, the spear, tills the soil etc., etc.,' (Vājasanēya Samhitā, 12. 71)

This view however is not the right one to take. This is an occupation that is despised by the righteous;—and the reason for this lies in the fact that '*the iron-tipped wood*'—the plough—'*injures the Earth and the earthly creatures*,'—*i.e.*, those creatures that live under the ground, *e.g.*, the caterpillar and the rest.

"What sort of injury is inflicted on the Earth? The Earth certainly does not suffer pain, like the living creatures, by the stroke of the wooden implement."

What the text means is that the Earth does suffer pain, and thereby forbids all tearing of the ground.—(84)

VERSE LXXXV

BUT THERE IS THIS, THAT ONE WHO, UNDER THE STRESS OF LIVELIHOOD, RENOUNCES THE STRICTNESS CONCERNING HIS DUTIES, MAY, FOR INCREASING HIS WEALTH, SELL SUCH COMMODITIES AS ARE SOLD BY VAISHYAS, WITH CERTAIN EXCEPTIONS.—(85)

Bhāṣya.

'*This*'—refers to what follows.

'*Such commodities as are sold by Vaishyas.*'—If the Brāhmaṇa has no wealth, he may, if pressed for livelihood, sell such things as are permitted to be sold by Vaishyas.

'*Exceptions.*'—This term stands for the commodities excluded. '*With certain exceptions*';—from which certain articles are excluded. The Brāhmaṇa may sell the things, with the exception of those hereinafter enumerated.

'*For increasing his wealth.*'—This describes the nature of things; it being well known that trade is conducive to increased wealth.

'*Renounces the strictness concerning his duties*,'—*i.e.*, his strict regard for his duty. This implies that as a rule the said selling should not be done; and the upshot of all this is that from out of the several occupations of the Vaishya, Agriculture is the worst for the Brāhmaṇa, then trade, and then cattle-tending and the rest.—(85)

VERSE LXXXVI

HE SHALL AVOID ALL SAVOURY SUBSTANCES AS ALSO COOKED FOOD AND SESAMUM, STORES, SALT, ANIMALS AND HUMAN BEINGS.—(86)

Bhāṣya.

There are six flavours, *rasas*,—sweet and the rest; and the term '*rasa*,' '*savoury substances*' here stands for substances abounding in one or other of these *flavours*; such as sugar, pomegranate, the '*kirāta*,' the '*tiktaka*' and so forth; all these are forbidden; and not only those that are made of the *juices* extracted from the trees etc., (which is the literal meaning of '*rasa*'). Though the term '*rasa*' is not used directly in the sense of *substance*, in the way in which 'white' and such terms are, yet it indirectly indicates it; just as in the case of the expression 'the ranch on the Gaṅgā,' (the term 'Gaṅgā' indicates the *river-bank*).

'*Shall avoid*'—shall give it up; *i.e.*, shall not sell.

'*Cooked food*'—such as rice cooked and ready for being eaten.

'*And seṣamum*.'—Sesamum also shall not be sold; and it is not meant that what is forbidden is such food as is *cooked with seṣamum*, and the selling of each separately is permitted.

'*Stones*'—Of all kinds.

'*Salt*'—Even those that are not in the form of stone (solid); rock-salt being already included under '*stones*.'

If the term '*rasa*' is understood in its literal sense, of the *six flavours*, then, since '*salt*' will have been already included

under this, the separate mention of '*salt*' would mean that the selling of this is absolutely forbidden for all time, while that of '*sweet*' and the rest is only partially so.

'*Animals*'—Tame as well as wild.

'*Human beings*'—Men.—(86)

VERSE LXXXVII

EVERY KIND OF WOVEN ARTICLE DYED (RED) AS WELL AS THAT MADE OF HEMP, SILK OR WOOL, EVEN WHEN NOT DYED RED; AND ALSO FRUITS AND ROOTS AND MEDICINAL HERBS.—(87)

Bhāṣya.

'*Woven article*'—Things made of cotton yarns; *i.e.*, cloth, wrapper and so forth.

'*Rakta*'—*i.e.*, *red*; the word '*rakta*' is known as denoting the *red* colour more than the others; *e.g.*, it is only the *ruddy* bull that is called '*rakta*.' Though what the root '*rañj*' (*to dye*) denotes is only the imparting of some sort of *colour* to what is white. Hempen, silken and woollen articles,—even when not dyed. The rest is clear.—(47)

VERSE LXXXVIII

WATER, WEAPONS, POISON, MEAT, SOMA AND ALL KINDS OF PERFUME; MILK, HONEY, CURDS, BUTTER, OIL, HONEY-WAX, SUGAR AND KUSHA-GRASS.—(88)

Bhāṣya.

'*Weapons*'—Swords, nooses and so forth.

'*Perfume*'—Such special fragrant substances as the '*Tagara*,' the '*Ushīra*', *Sandalwood* and so forth; the term '*gandha*' being explained in the same manner as the word '*rasa*' above.

'*Milk*'—Everything made of milk, as described in other '*Smṛti texts*' such as sour cream, whey, co-agulated milk and

so forth;—all these should not be sold. '*Curd*' and '*butter*' have been mentioned separately with a view to indicate the special importance of these among all milk—products.

'*Madhu*' stands for '*madhūchchhiṣta*' bees-wax,—the part ('*madhu*') standing for the whole '*madhūchchhiṣta*.' Just as '*dēva*' is generally used for '*dēvadatta*.' That this is so follows from the fact that it is the selling of the '*bees-wax*' that is expressly forbidden in another *Smṛti*; and as for *honey* (Madhu) itself, it is forbidden in the present text by the special name '*Kṣaudra*',—the *grape-juice* (which also is called '*kṣaudra*,' being expressly forbidden in a later verse under the name '*madya*.'

Others however explain the term '*madhu*' in the present verse as standing for *grape-juice* before fermentation has set in and it has become '*wine*,' '*madya*.'

This however is not right. Because the word '*madhu*' is not denotative of the freshly extracted *grape-juice*; in fact it always stands for it in the form of wine; as we find in such passages as '*Ubhau madhvāsavakṣibau*,' where intoxication is spoken of as brought about by '*madhu*,' and it is only *wine* that brings about intoxication.

'*Sugar*'.—This has been mentioned with a view to show that the prohibition of this could not come under that of '*rasa*' (under 86). Others however explain that this has been added with a view to imply that the selling of things made of sugar—such as sweetmeats—is permitted.—(88)

VERSE LXXXIX

ALL BEASTS OF THE FOREST, FANGED ANIMALS, AND BIRDS, WINE, INDIGO, LAC, AND ALSO ALL ONE-HOOFED ANIMALS.—(89)

Bhāṣya.

The terms '*of the forest*' and '*beasts*' should be taken as to be explained on the analogy of the words '*sugar*' and '*salt*,'

This has been mentioned for the purpose of implying that the selling of tame animals is permitted. Where dealing with tame animals is forbidden, it is in view of the fact that these also, when enraged, become dangerous.

'*Fanged animals*'—Dogs, boars and so forth.

'*Birds*'—Winged beings.

'*One-hoofed animals*'—Horses, mules, asses and so forth.

Some people read '*bahūn*' for '*tathā*'; and by that, there would be nothing wrong in the selling of a single one-hoofed animal.—(89)

VERSE XC

But the agriculturist may, if he wishes, sell pure sesamum for sacred purposes, if he has cultivated them himself and has not kept these long.—(90)

Bhāṣya.

Under 86, the selling of 'cooked food and sesamum' has been forbidden; and to this the present verse is an exception, in view of certain special conditions and purposes.

'*Pure*,' '*not kept long*';—these refer to the *condition* of the grains; and '*for sacred purposes*'—refers to the *purpose*.

'*Pure*'—'not mixed with *Vrīhi* and other grains. There is possibility of mixed sesamum being sold for the purposes of preparing 'mixed food.'

'*Not kept long*.'—This implies that the man shall not keep back the grains with the idea that they are selling cheap now, but after a few days they shall fetch higher prices.

Or, '*pure*' may mean *not black*; the prohibition applying to *black* sesamum; and sesamum becomes black if kept for a long time. The meaning is that he shall not sell black sesamum after having grown or bought it.

'*The agriculturist*,' '*if he has cultivated it himself*.' These words are only descriptive, and much significance is not meant to be attached to them.

The selling of grains obtained in gifts is also not forbidden.

'*For sacred purposes.*' For instance, when sesamum is sold for the purpose of obtaining money whereby to buy the cow to be given as a sacrificial fee, or when it is sold for the performance of Vedic study, *Agnihotra* and such rites, or when it is sold for the purpose of buying with the price thus obtained, *Vrīhi* and other corns needed for the performance of the *Darshapūrṇamāsa* and other sacrifices. In all these cases the selling is 'for a sacred purpose';—or, when the sesamum itself is used by the purchaser for such religious acts as making gifts, or for getting oil for medicinal purposes. —(90)

VERSE XCI

IF ONE DOES WITH SESAMUM ANYTHING ELSE, EXCEPT EATING, ANOINTING AND GIVING,—HE BECOMES A WORM AND PLUNGES INTO THE ORDURE OF DOGS, ALONG WITH HIS ANCESTORS.—(91)

Bhāṣya.

In connection with the prohibition of the selling of sesamum except under the said conditions, we have this declamatory statement.

"It has been declared that the mention of the wrong involved in the doing of what is forbidden is the purpose served by declamatory assertions; why then should the declamatory statement in the present case be put forward in the form—'He becomes a worm if he does anything else with sesamum than eating, anointing and giving?'"

The answer to this is as follows:—This has been asserted in this form because the result spoken of is one that is impossibie and also contrary to what has been asserted in other treatises. For instance, it is said here that the man plunges into ordure '*along with his ancestors*,'—and certainly no wrong is committed by these anscestors; the results of good

and bad acts always accrue to the man that does them; in no sense could the ancestors be the persons that did the act in question; all which has been already discussed before. Then again, it is said below (in 92) that—'by selling meat he at once becomes an outcaste'; where becoming an outcaste could not apply to any one else except the seller himself. From all this it is clear that all that is meant to be really related to the prohibition is that something undesirable happens; and the words of the text cannot be taken as literally true. Hence what is meant is that 'the man who does anything else—in the shape of selling and the like—with sesamum than eating and the rest, *becomes a worm*,—*i.e.*, becomes tainted with the evil effects described.'—(91)

VERSE XCII

BY SELLING MEAT, LAC AND SALT, THE *Brāhmaṇa* BECOMES AN OUTCAST AT ONCE; AND BY SELLING MILK THE *Brāhmaṇa* BECOMES A *Shūdra* IN THREE DAYS. —(92)

Bhāṣya.

The meaning of this has been already explained.—(92)

VERSE XCIII

BY SELLING, THROUGH GREED, OTHER COMMODITIES, THE *Brāhmaṇa* ASSUMES, IN SEVEN NIGHTS, THE CHARACTER OF THE VAISHYA.—(93)

Bhāṣya.

'*Through greed.*'—This implies 'during normal times, not of distress.'

This theory regarding the greater and less degree of wrong involved in the various commodities is for the purpose of indicating that there are special expiatory rites in connection with the selling of meat and other things. We are going to explain

how there is heavy expiation in the case of the more heinous selling and less heavy in the case of the less heinous one. —(93)

VERSE XCIV

SAVOURY ARTICLES SHOULD BE BARTERED FOR SAVOURY ARTICLES, BUT NEVER SALT FOR ANOTHER SAVOURY ARTICLE,—COOKED FOOD, FOR COOKED FOOD, AND SESAMUM FOR CORN, IN EQUAL QUANTITIES.—(94)

Bhāṣya.

'*Savoury articles*'—described above—'*should be bartered for savoury substances.*' That is, one should receive the *Āmalakī* and other *acids* after giving, in exchange, sugar and other sweet substances. But in no case should salt be given in exchange for any other 'savoury substance.'

'*Lavaṇam tilaiḥ*' is another reading; by which the prohibition would be only in regard to the bartering of salt for *sesamum* only, and not any other substance.

'*Cooked food*'—such as fried flour, cooked rice and so forth—should be bartered for other kinds of 'cooked food'—cakes and the like.

'*Sesamum shall be bartered for corns*'—Vrīhi and the rest—'*in equal quantities.*' That is, given one seer (of sesamum), he shall receive one seer in exchange; more or less shall not be received, through any consideration of relative values.

'Bartering' also is regarded as a kind of *selling*; on the ground that the root to '*sell,*' '*Kṛṛ*' is found mentioned among the roots signifying the act of 'exchanging.'

This however is not right. Because Gautama has indicated the difference between the two, by speaking of 'selling' and 'bartering' in the same sentence. So that when things are given on the receipt of the rupee or such tokens, it is 'selling'; and it is 'bartering' when one article is received in exchange for another article.—(94)

SECTION (10)—OCCUPATION OF THE KSATTRIYA DURING ABNORMAL TIMES

VERSE XCV

THE *Kṣattriya*, FALLEN IN ADVERSE CIRCUMSTANCES, SHALL SUBSIST BY MEANS OF ALL THIS; BUT HE SHALL NEVER THINK OF ARROGATING TO HIMSELF THE HIGHER OCCUPATIONS.—(95)

Bhāṣya.

'*By means of all this.*'—This indicates that the selling of the interdicted commodities also is permitted for the *Kṣattriya*; the meaning being that—as for the Vaishya so far the Kṣattriya also, there is nothing that should not be sold.

But, even when renouncing his own proper occupation, '*he shall never think of arrogating to himself the higher occupations*' of the Brāhmaṇa. That is, he should never even entertain the idea of having recourse to them.

'*Adverse circumstances*'—ill-luck; that is *distress*; '*fallen in adverse circumstances*'—in distress.—(95)

VERSE XCVI

IF A MAN OF LOW CASTE, THROUGH GREED, SUBSISTS BY THE OCCUPATIONS OF HIS SUPERIORS, HIM THE KING SHALL DEPRIVE OF HIS PROPERTY AND QUICKLY BANISH. —(96)

Bhāṣya.

'*A man of low caste*'—The Kṣattriya and the rest.

Though the context deals with the *Kṣattriya*, yet this verse is meant to be an interdict upon all occupations of the Brāhmaṇa, for all the other castes.

'*Superior*'.—It is the Brāhmaṇa alone who is *absolutely* (not only relatively) 'superior.'

'*Occupations*'.—Teaching and the rest.

If he subsists by these, he should be punished with confiscation of property and banishment.—(96)

VERSE XCVII

BETTER ONE'S OWN DUTY IMPERFECTLY PERFORMED, AND NOT THE DUTY OF ANOTHER PERFORMED PERFECTLY; HE WHO SUBSISTS BY THE FUNCTION OF ANOTHER, INSTANTLY FALLS OFF FROM HIS CASTE.—(97)

Bhāṣya.

This is a deprecatory declamation in support of the foregoing injunction.

If a certain duty has been prescribed for one, in reference to his caste,—even though this be '*performed imperfectly*'—*i.e.*, incomplete in its details,—it is right to perform that, and not the duty of another man, even though complete in all its details.

In support of this there is the deprecatory declamation—'*He who subsists, etc., etc.*'—(97)

SECTION (11)—THE FUNCTIONS OF THE VAISHYA IN ABNORMAL TIMES

VERSE XCVIII

THE VAISHYA, UNABLE TO SUBSIST BY HIS OWN OCCUPATIONS, MAY SUBSIST BY THE OCCUPATIONS OF THE *Shūdra*, AVOIDING ALL IMPROPER ACTS. BUT HE SHALL DESIST FROM THEM AS SOON AS HE IS ABLE TO DO SO.—(98)

Bhāṣya.

This verse permits the Shūdra's occupation for the Vaishya, when '*unable to subsist by his own occupations*'—such as washing of the feet and so forth.

'*Avoiding all improper acts.*'—The sweeping of offals and such acts are 'improper'; and all this should be avoided.

'*He shall desist as soon as he is able to do so.*'—This is applicable to all.

Some people have remarked that the clear indication of the text is that what is said here is meant to apply to the *Brāhmaṇa* and the *Kṣattriya* also.

And in regard to this another party raises the question—How can the *Brāhmaṇa* ever have recourse to the occupations of the *Shūdra*?

The answer given by the other party is that it has been declared that—'High and low are the functions of the two castes; barring the two middle ones, the rest are common to all'. [?]

This however is not right. The text does not mean that the occupations of the *Shūdra* are permitted for the Brāhmaṇa; the exact meaning of '*desisting as soon as he is able*' being as we have explained it,—that it is applicable to all.—(98)

SECTION (12)—FUNCTIONS OF THE SHUDRA DURING ABNORMAL TIMES

VERSE XCIX

THE *Shūdra*, UNABLE TO DO SERVICE FOR TWICE-BORN PEOPLE, AND THREATENED WITH DANGER TO HIS WIFE AND SONS, MAY SUBSIST BY THE OCCUPATIONS OF CRAFTSMEN.—(99)

Bhāṣya.

'*Craftsmen*'—such as cooks, weavers, and the like; the occupations of these are *cooking*, *weaving* and so forth. By these, '*he may subsist.*'

'*Danger to wife and sons*'—*i.e.*, incapability of maintaining them.

This shows that handicrafts are very low occupations, since even for the *Shūdra* these have been permitted only when all other property is lost and the man is in dire distress.—(99)

VERSE C

THAT IS, THOSE OCCUPATIONS OF CRAFTSMEN AND OTHER ARTS BY THE PERFORMANCE WHEREOF THE TWICE-BORN MEN ARE BEST SERVED.—(100)

Bhāṣya.

'*Performance*'—doing.

'*Are served*'—benefited.

Those handicrafts which are beneficial to the twice-born people (shall be taken up by the Shūdra).

Though '*arts*' also are the '*occupation of craftsmen*,' yet, inasmuch as the two have been separately mentioned, the 'craftsmen' meant here should be taken as the carpenter, the wood-cutter and so forth, and their occupations are *wood-cutting*, *carpentry* and the like.

'*Arts*'—such as decorating, toilet, painting and so forth.—(100)

SECTION (13)—THE BRAHMANA IN TIMES OF DISTRESS

VERSE CI

If a *Brāhmaṇa*, distressed through want of livelihood, pines, because resolved to stick to his own path, he does not adopt the occupation of the Vaishya,—he shall adopt this (following) procedure.—(101)

Bhāṣya.

'*Does not adopt*'—*i.e.*, being unwilling to adopt.

What this means is that, in the event of the Kṣattriya's occupation being not available, he may have recourse either to the receiving of gifts from wrong persons or to the occupation of the Vaishya,—both these standing on the same footing; the occupation of the Kṣattriya however would be superior to the receiving of improper gifts.

Or, '*does not adopt the occupation of the Vaishya*' may also mean—'the occupation of the Vaishya being not available to him.' In this case, the receiving of improper gifts would be inferior to the occupation of the Vaishya.

'*Resolved to stick to his own path.*'—This indicates that this sums up all the occupations permitted during times of distress.

'*Distressed through want of livelihood, and Pining*'—*i.e.*, fallen in ruin.—(101)

VERSE CII

Fallen into distress, the *Brāhmaṇa* may receive gifts from all; that anything which is pure should become defiled is not possible under the law.—(102)

Bhāṣya.

'*From all*';—*i.e.*, no consideration should be made regarding the castes whose gifts should or should not be accepted.

Here also what is meant is that among gifts from the low, the lower and the lowermost castes, those from the succeeding shall be accepted only when those from the preceding ones are not procurable. Just as the occupation of the Vaishya is permitted only when that of the Kṣattriya is not available.

'*Pure*'—*e.g.*, the stream of the Gaṅgā. This does not become 'defiled' by coming in contact with impure substances, since it has been declared that 'the river becomes purified by its own flow.' The same is the case with the Brāhmaṇa also.—(102)

VERSE CIII

NO SIN ATTACHES TO *Brāhmaṇas*, EITHER BY TEACHING OR BY SACRIFICING FOR OTHERS OR BY RECEIVING REPREHENSIBLE GIFTS; FOR THEY ARE LIKE FIRE AND WATER.—(103)

Bhāṣya.

The preceding verse having permitted the receiving of improper gifts, the present verse permits the *teaching* and *sacrificing* (of unqualified persons). The epithet '*reprehensible*' is applicable both ways, according to the maxim of the 'Lion's glance.'

As Fire and Water, so Brāhmaṇas, are everywhere pure. This is the eulogy bestowed on the Brāhmaṇa.

Some people have held the following view:—"If, like the receiving of gifts from improper persons, the Teaching and Sacrificing for improper persons were meant to be permitted, then, those also would have been mentioned in the preceding verse, just as the Receiving of Gifts. As a matter of fact, however, since there is no idea of *injunction* in the present verse, sin would certainly attach to Brāhmaṇas (for

doing these two acts); for the presence of the Present Tense clearly indicates that the text speaks of a settled fact, and, as such, is purely declamatory. Then again, since every injunction has a corresponding declamatory declaration, the mention of Teaching and Sacrificing in a sentence which is syntactically connected with a foregoing injunction, is certainly open to being regarded as declamatory."

Our opinion however is that when even gifts from improper persons are not available, the Brāhmaṇa may have recourse to the said Teaching and Sacrificing also; since what the text is providing for is the man's subsistence; and it has been declared that 'one should maintain himself by some means or the other, excepting of course the heinous crimes.' And it is only with a view to their being performed that the said acts have been mentioned in the section dealing with 'Abnormal Times.'—(103)

VERSE CIV

If a man, threatened with loss of life, eats food from stray sources, he does not become tainted with sin, just as *Ākāsha* is not defiled by mud.—(104)

Bhāṣya.

The preceding texts have spoken of receiving gifts from improper persons; the present verse permits the partaking of food defiled by the ownership of low men.

'*From stray sources*'—*i.e.*, irrespectively of the caste and actions of the owner of the food.

The rest is all purely declamatory.—(104)

VERSE CV

***Ajīgarta*, suffering from hunger, went forward to kill his son; and as he sought a remedy for hunger, he did not become tainted with sin. —(105)**

Bhāṣya.

'*Ajīgarta*'—The sage of that name — '*suffering from hunger, went forward to kill his son*'— Sunaḥshēpa, and yet he was not regarded as 'carnivorous.'

The story of Sunaḥshēpa occurs in the Ṛgvēda; and it is not necessary for us to dilate upon what occurs in the scriptures.

As a matter of fact however, this is a declamatory statement in the form of the assertion of an act done by somebody.

All such passages should be understood to be the same.—(105)

VERSE CVI

Vāmadeva, EXPERT IN THE KNOWLEDGE OF RIGHT AND WRONG, WHEN DISTRESSED, DESIRED TO EAT DOG'S FLESH FOR SAVING HIS LIFE,—AND HE DID NOT BECOME DEFILED.—(106)

Bhāṣya.

Similarly the sage named '*Vāmadeva*'—'*distressed*'—with hunger—'*desired to eat dog's flesh.*'—(106)

VERSE CVII

Bharadvāja, A MAN OF GREAT AUSTERITIES, ACCEPTED MANY COWS FROM THE CARPENTER *Vṛdhu*, WHEN TORMENTED BY HUNGER, ALONG WITH HIS SONS, IN A LONELY FOREST.—(107)

Bhāṣya.

Vṛdhu was a carpenter; a person unfit for receiving gifts from;—from him the sage named Bharadvāja received gifts.—(107)

VERSE CVIII

Vishvāmitra, EXPERT IN THE KNOWLEDGE OF RIGHT AND WRONG, WHEN TORMENTED BY HUNGER, PROCEEDED

TO EAT THE HAUNCH OF A DOG, RECEIVING IT FROM THE HANDS OF A *Chaṇḍāla.*—(108)

Bhāṣya.

Vishvāmitra is a well-known great sage. On one occasion, when he suffered much from hunger, '*he proceeded to eat the haunch of a dog, receiving it from the hands of a Chaṇḍāla.*'

The '*dog's haunch*' has been mentioned with a view to show that there is harm in the eating of not only such food as has been defiled, but also of that which is defective by its very nature;—the sense of the verse being that in times of distress one may take even such food as is tainted with all kinds of defects.—(108)

VERSE CIX

AMONG RECEIVING OF GIFTS, SACRIFICING AND TEACHING, THE RECEIVING OF GIFTS IS THE MEANEST, AND THE MOST REPREHENSIBLE FOR THE *Brāhmaṇa*, IN RESPECT OF HIS LIFE AFTER DEATH.—(109)

Bhāṣya.

The sense of the verse is that so long as the less reprehensible means of subsistence, in the shape of sacrificing and teaching, are available, the Brāhmaṇa should not have recourse to the receiving of Improper Gifts.—(109)

VERSE CX

AS FOR TEACHNG AND SACRIFICING, THESE ARE DONE ALWAYS FOR ONLY SUCH MEN AS HAVE RECEIVED THE SACRAMENTS; WHILE THE RECEIVING OF GIFTS MAY BE DONE EVEN FROM THE LOWEST-BORN *Shūdra.* —(110)

Bhāṣya.

This verse sets forth a declamatory statement, in the form of an argument in support of what has gone before.

The very nature of men is such that persons not initiated do not study the Veda, and do not perform sacrifices; so that in times of distress, the Brāhmaṇa might very well teach and sacrifice for the *Shūdra*. As for gifts on the other hand, it is well known that it may be received from all castes; so that it is quite possible to receive it from a *Shūdra* [so that it is more easily procurable]. It is for this reason that the receiving of improper gifts (from wrong sources, outside the four castes) is the *meanest* of all.—(110)

VERSE CXI

BY THE MUTTERING OF SACRED TEXTS AND BY THE OFFERING OF LIBATIONS IS THE GUILT INCURRED BY TEACHING AND SACRIFICING REMOVED; WHILE THAT INCURRED BY RECEIVING GIFTS IS REMOVED ONLY BY RENOUNCING THEM AND BY AUSTERITIES.—(111)

Bhāṣya.

'*The guilt is removed*'—destroyed—'*by the muttering of sacred texts and by the offering of libations.*' Hence there is not much harm in this.

But the guilt incurred in the receiving of gifts is removed only by the '*renouncing*'—of the gifts—and '*by austerities*' —laid down later on, under 11.195.—(111)

VERSE CXII

THE *Brāhmaṇa*, UNABLE TO MAINTAIN HIMSELF, MAY TAKE TO GLEANING EARS OF CORN AND PICKING UP GRAINS, EVEN FROM STRAY PLACES. GLEANING EARS OF CORN IS BETTER THAN RECEIVING GIFTS; AND BETTER EVEN THAN PICKING UP OF GRAINS. —(112)

Bhāṣya.

The reiteration of this also is stated in the form of a declamatory statement.

In reality the taking of something belonging to another is very wrong; but some form of it may be less wrong than another. Thus both the receiving of gifts and the gleaning of ears of corn, belonging to the same category (of taking what belongs to another), the latter is said to be '*better*' than the former. It is only between two *bad* things belonging to the same category that one is regarded as the 'better' of the two; no one says that 'the Brāhmaṇa is better than the Chaṇḍāla.' Thus then even though the gleaning of ears and picking of grains also involve the taking of what belongs to another, yet these are 'better.'

Though living by 'gleaning ears' and 'picking grains' has been described as the best form of living, yet it does bear some resemblance to the 'receiving of gifts.' So that in the case of both these—'gleaning ears' and 'receiving gifts'—one should exercise a certain amount of check over himself. Thus it is that living by 'gleaning ears' and 'picking grains' also is not entirely free from blame; hence it is that we have the declaration that—'gleaning ears is better than receiving gifts.'—(112)

VERSE CXIII

IF *Brāhmaṇas*, WHO HAVE COMPLETED THEIR STUDY, SUFFER PRIVATION, OR SEEK TO OBTAIN WEALTH AND RICHES, THEY MAY BEG OF THE KING; AND IF HE BE UNWILLING TO GIVE, HE SHOULD BE GIVEN UP.—(113)

Bhāṣya.

This verse lays down three occasions on which one may accept gifts from the king.

(1) '*Suffering privation*'—*i.e.*, in times of distress, being threatened with the possibility of the whole family perishing.

(2) '*Seeking to obtain wealth*'—in the shape of ear-rings, bracelets, turbans, seats, gold, etc.

(3) '*Seeking to obtain riches*'—cattle, gold and other things necessary for sacrificial performances.

Under these conditions Brāhmaṇas may beg of the '*king*'—the sovereign of their country.

The prohibition contained above in 4. 84—'He shall not receive gifts from the king'—must be taken as referring to a wicked king,—it being added, 'of one who is avaricious and behaves against the law.'—(4 87).

'*Unwilling to give*,'—if on being begged, he be not willing to give what is wanted,—'*he should be given up*'—*i.e.*, the Brāhmaṇas should cease to live in his kingdom.

Or '*giving up*' may mean *loss*; and as nothing else is mentioned, it must mean the 'loss' of *merit* on the part of the king.—(113)

VERSE CXIV

UNCULTIVATED LAND IS LESS REPREHENSIBLE THAN CULTIVATED LAND; AND AMONG COWS, GOATS, SHEEP, GOLD, GRAINS, AND FOOD EACH PRECEDING ONE IS LESS REPREHENSIBLE THAN THE SUCCEEDING.—(114)

Bhāṣya.

'*Uncultivated*'—Untilled—land is better.

Between 'goats' and 'sheep' also there is a difference.

The verse is apparently one the sense of which has been already explained.—(114)

SECTION (14)—SOURCES OF INCOME

VERSE CXV

THERE ARE SEVEN LAWFUL SOURCES OF INCOME: INHERITANCE, ACQUISITION, PURCHASE, CONQUEST, INVESTMENT, INDUSTRY AND RECEIVING OF PROPER GIFTS.—(115)

Bhāṣya.

'*Inheritance*'—Hereditary property.

'*Acquisition*'—of buried treasure and such things; or the share that one obtains out of the property acquired by his father and other relations. Though this also would be *inherited* from the father, yet it cannot be spoken of as 'inheritance,' because it belongs in common to many persons. This is why we find in another Smṛti the declaration regarding 'property assigned for maintenance' (*Yājñavalkya*, 2. 121). Or '*acquisition*' may stand for those loving presents that one receives from his friends, or from his father-in-law.

'*Purchase*.'—This is well known.

'*Conquest*'—in battle.

'*Investment and Industry*'—Money-lending and trade.

The legality of these is in accordance with the caste of the person concerned. The first three of them are common to all; *Conquest* is for the Kṣattriya only; *Investment and Industry* for the Vaishya only; and *Receiving of proper gifts* for the Brāhmaṇa only. All this distinction is based upon theories and arguments already set forth above.

Some people object to 'Purchase' (being a source of income).

But this is not right. As if it were not lawful, all transactions would come to an end.

Some people hold that 'Conquest' refers to gambling-stakes only, and as such pertains to all castes.

This also is not right; since another *Smṛti* has clearly declared that wealth acquired by gambling is 'impure'; specially where Pāraskara speaks of Gambling.

Similarly some people explain '*prayoga*' as meaning *action*, on the ground of such usage as '*jñānapūrvakaḥ prayogaḥ*,' 'action preceded by knowledge,'—where the word *prayoga*' is used in the sense of *action*. On the same analogy '*karmaprayoga*' will mean the *employment of action*. —(115)

VERSE CXVI

LEARNING, HANDICRAFTS, WORKING ON HIRE, SERVICE, CATTLE-TENDING, TRADE, AGRICULTURE, CONTENTMENT, BEGGING AND MONEY-LENDING,—THESE ARE THE TEN MEANS OF LIVELIHOOD.—(116)

Bhāṣya.

This verse sets forth the means of livelihood for all men, during times of distress.

'*Learning*'—here stands for sciences other than the Veda; such, for instance, as Medicine, Logic, Physics, Toxicology and so forth,—all which are not reprehensible, when used as a means of livelihood.

'*Handicraft.*'—This has been already explained.

'*Working on hire*'—as a servant.

'*Service*'—acting according to the wishes of another person.

'*Contentment*'—This has been added only by way of illustration.

The meaning of this verse is that in the absence of the particular means of livelihood specifically assigned to each caste, these ten means are open to all men.—(116)

VERSE CXVII

THE *Brāhmaṇa* OR THE *Kṣattriya* MUST NOT LEND MONEY ON INTEREST; BUT HE MAY ADVANCE A LITTLE TO UNRIGHTEOUS MEN FOR SACRED PURPOSES.—(117)

Bhāṣya.

'*For sacred purposes*'—This implies that what is here permitted refers to livelihood in abnormal times.

'*To unrighteous men*'—This shows that from the righteous man no interest shall be taken.

What has been said regarding 'Agriculture, Trade and Money-lending being equal to Teaching' pertains to *abnormal times.*—(117)

VERSE CXVIII

THE *Kṣattriya*, WHO, IN TIMES OF DISTRESS, TAKES THE FOURTH PART, BECOMES FREED FROM SIN, IF HE PROTECTS THE PEOPLE TO THE BEST OF HIS ABILITY.—(118)

Bhāṣya.

This verse permits the King's receiving of the fourth part (of the land-produce), instead of the *sixth* usually taken, when his treasury has become depleted. The rest of it is purely declamatory.

'*To the best of his ability*'—This is an adverb; the meaning being *to the best of his power.*—(118)

VERSE CXIX

CONQUEST IS HIS PECULIAR DUTY; AND HE SHOULD NEVER TURN BACK IN DANGER; HE SHALL REALISE THE LEGAL TAX FROM THE VAISHYA, AFTER PROTECTING THE PEOPLE.—(119)

Bhāṣya.

The term '*Conquest*' should be taken here to mean *that which leads to conquest* (*war*), which is laid down as the duty of the Kṣattriya.

'*He shall not turn back in danger*'—Whenever any danger comes ahead, he shall not turn his back in battle.

In this manner, '*having protected*' the people, '*he shall realise the tax from the Vaishya.*' As a rule Vaishyas are very wealthy; hence people realising taxes from them, if they are found to behave improperly, are not punished.—(119)

VERSE CXX

FROM THE PEOPLE THE TAX ON GRAINS SHALL BE ONE-EIGHTH, AND ONE-TWENTIETH (ON GOLD), WITH THE MINIMUM OF ONE '*Kārṣāpaṇa*'; *Shūdras*, CRAFTSMEN AND ARTISANS DISCHARGE THEIR DUES BY WORK. —(120)

Bhāṣya.

Those dealing in grains should be made to pay one-eighth part of their profits.

The term '*viṭ*' here stands for *the people.*

For those dealing in gold, the tax is one-twentieth part of their profits.

'*Shūdras discharge their dues by work.*'—They should not be made to pay any taxes. So also craftsmen and artisans. With regard to them it has been laid down (in 7. 138) that 'they shall work for the king one day every month'; and the present text permits the taking of more work from them in abnormal times.—(120)

VERSE CXXI

THE *Shūdra*, SEEKING A LIVELIHOOD, MAY SERVE THE *Kṣattriya*; OR THE *Shūdra* MAY SEEK TO SUBSIST BY SERVING A WEALTHY VAISHYA.—(121)

Bhāṣya.

If the Shūdra be in want of a livelihood, he may serve the Kṣattriya. This means that the serving of the *Kṣattriya*

will serve only as a means of subsistence, and will not bring any merit; which means that the serving of a Brāhmaṇa accomplishes both purposes.

Similarly he may make a living by serving a wealthy Vaishya.—(121)

VERSE CXXII

HE SHALL SERVE *Brāhmaṇas* EITHER FOR THE SAKE OF HEAVEN, OR FOR THE SAKE OF BOTH; WHEN, HE HAS ATTAINED THE TITLE OF THE '*Brāhmaṇa,*' THIS IMPLIES THE ACCOMPLISHMENT OF ALL HIS PURPOSES.—(122)

Bhāṣya.

The sense is that he shall serve Brāhmaṇas.

'*When he has attained the title of the Brāhmaṇa,*'—*i.e.*, when, on account of his connection with the Brāhmaṇa, that title becomes applied to him;—then he should be regarded as having all his ends accomplished.

Or, the meaning may be, 'when he has come to be known as *related to the Brahmaṇa.*'—(122)

VERSE CXXIII

THE SERVICE OF THE *Brāhmaṇa* IS DESCRIBED AS THE DISTINCTIVE DUTY OF THE *Shūdra*; EVERYTHING ELSE THAT HE DOES IS FRUITLESS FOR HIM.—(123)

Bhāṣya.

The serving of the Brāhmaṇas is the chief duty for the Shūdra.

Hence '*everything else*'—in the shape of observances and fasts—'*that he does is fruitless for him.*'

This should not be understood to be the prohibition of such acts as making gifts, offering the '*Pākayajñas*' and so forth; since all these have been distinctly enjoined for him. In fact this prohibition of 'everything else' is only meant to indicate the importance of 'serving Brāhmaṇas.'—(123)

VERSE CXXIV

THEY SHOULD PROVIDE OUT OF THEIR FAMILY, A SUITABLE MAINTENANCE FOR HIM, AFTER CONSIDERING HIS OWN CAPACITY, AND THE MAN'S SKILL AND THE BURDEN OF PERSONS TO BE SUPPORTED BY HIM.—(124)

Bhāṣya.

What is here laid down is the duty of the twice-born men (who engage *Shūdras*). When the Shūdra is serving them, they should provide for his maintenance, '*out of their family*';—that is, he should be looked after like a son.

'*Having considered*' his own '*capacity*,' as also, the man's '*skill*'—application to work, and '*the burden of persons to be supported by him*,'—*i.e.*, his wife and children, they shall take into consideration all the persons to be supported by him, and make provision for the maintenance of all these.—(124)

VERSE CXXV

REMNANTS OF FOOD AND WORN-OUT CLOTHES SHALL BE GIVEN TO HIM; AS ALSO THE GRAIN-REFUSE AND OLD FURNITURE.—(125)

Bhāṣya.

The meaning of the word '*remnant of food*' has been already explained. The food left after the feeding of guests and others should be given to the Shūdra servant.

Similarly '*worn-out clothes*'—after they have been washed white; '*grain refuse*'—the seedless chaffs, and '*furniture*'—beds and seats.—(125)

VERSE CXXVI

FOR THE *Shūdra* THERE IS NO SIN; NOR IS HE WORTHY OF ANY SACRAMENTS; HE IS NOT ENTITLED TO ANY

SACRED RITES; BUT THERE IS NO PROHIBITION AGAINST SACRED RITES.—(126)

Bhāṣya.

The whole of this verse is purely reiterative.

Whatever is not directly forbidden for the Shūdra by actual name,—*e.g.*, such acts as injuring living things, stealing, lying, and so forth, which form the subject-matter of general prohibitions (without reference to any particular castes) ,—by doing these the Shūdra does not incur sin. Guilt does accrue to him in the case of acts that are expressly prohibited for him, —such acts, for instance, as injuring, stealing and so forth.

'*He is not worthy of sacraments*'—such as Initiation and the like; all which have been prescribed for the 'three twice-born castes.'

Similarly, '*he is not entitled to the sacred rites*';—that is, such acts as bathing, fasting and worshipping of deities are not enjoined as his compulsory duties; and hence the omission of these does not involve sin.

'*There is no prohibition against sacred rites.*'—Even with regard to bathing, fasting and such acts, which are not among his compulsory duties, and the omission whereof does not involve sin,—there is no absolute prchibition; *i.e.*, the performance of such acts is not actually forbidden to him. So that if he does perform them, it is conducive to his welfare ; this on the analogy of the principle that 'avoidance is conducive to great results.'

Similarly his not eating garlic and such things should also be understood to be conducive to welfare ; as the law 'avoidance is conducive to great results' is meant to be of universal application.

This is what is meant by the words that '*there is no prohibition against sacred rites.*'

If the man does perform the acts—(what should be done is laid down in the following verse).—(126)

VERSE CXXVII

IF THOSE WHO, KNOWING THEIR DUTY, AND WISHING TO ACQUIRE MERIT, IMITATE THE PRACTICES OF RIGHTEOUS MEN, WITH THE EXCEPTION OF RECITING THE SACRED TEXTS, THEY INCUR NO GUILT; THEY OBTAIN PRAISE.—(127)

Bhāṣya.

This is what the text proceeds to point out.

'*Desiring to acquire merit*'—seeking for spiritual welfare.

'*Imitate the practices of righteous men*'—betake themselves to the performance of acts done by good men;—'*with the exception of reciting sacred texts,*'—'*they incur no guilt.*' That is to say, they do not incur any guilt, if they perform such acts as fasting for a day, worshipping of gods, bowing to elders and Brāhmaṇas—all which are done by good men; in fact '*they obtain praise*'—as the distinct result of their act.

It will not be right to entertain the following notion—"the Shūdra incurs no guilt if he performs, without reciting the sacred texts, the *Darsha-pūrṇamāsa* and other rites, which are performed by twice-born men with the sacred texts."

Because these acts having been prescribed as to be done with sacred texts, if they are done without these texts, this would be distinctly contrary to the scriptures.

The exact significance of the phrase '*with the exception of reciting the sacred texts*' has been already explained.

Says the revered Vyāsa—'It is certain that the Shūdra does not become an outcast, nor is he worthy of sacraments; he is not entitled to the sacred rites prescribed in the *Smṛtis*; nor is any prohibition laid down against the sacred rites.

This also is only reiterative of what has been enjoined elsewhere.

The Shūdra does not become an outcast by eating garlic or drinking wine.

What is meant by his being '*not worthy of sacraments*' has been already explained. It has been pointed out that, inasmuch as the Initiatory Rite has not been performed for him, the performance of the Shrauta rites is not open to him; but there is no prohibition against his performing those rites that are prescribed in the *Smṛtis* as to be performed by all men. To this end we have other *Smṛti texts*—'He shall perform the Pākayajña rites' (*Gautama*, 4.65),—'Salutation also, without sacred texts, is permitted for him' (*Ibid.* 4.64).

Some people have remarked that—"the *Shūdra is* only partially entitled to the performance of such rites as the *Āvasathyādhāna* (the kindling of the Household Fire), the *Pārvaṇa*, the *Vaishvadēva*, the *Pākayajña* and so forth."

But we do not understand what these men mean. By the Gṛhya-writers the *Āvasathyādhāna* has been prescribed distinctly for the three higher castes; by Manu and other Smṛti-writers it has not been prescribed at all; all that they say is—'they should perform the Gṛhya rites in the marriage-fire' (Manu, 3.67). So being nowhere laid down, whence could there be any such *ādhāna* for the Shūdra? If it be held that the rite of kindling fire is implied by the injunction of the *Pākayajña* rites,—this also is not possible; since the Vaishvadēva offerings (of the *Pākayajña*) could be done in the ordinary fire. In fact in all these matters, we have to accept only what is distinctly laid down in the texts, and it is not right to draw inferences. All this has been explained in connection with the term 'marriage-fire' (under 3.67).

By the term '*Pārvaṇa*', if it is the *Shrāddha* that is meant, then we admit this, since the *Aṣṭakā*, the *Pārvaṇa-shrāddha* and the *Vaishvadēva* offerings have all been prescribed for the Shūdra also. If however the performance

of the *Darsha-pūrṇamāsa* be meant, this we have already refuted.—(127)

VERSE CXXVIII

As the *Shūdra*, free from envy, maintains the right course of conduct, so does he, free from blame, gain this world and the next.—(128)

Bhāṣya.

The meaning of this verse has been already explained. —(128)

VERSE CXXIX

Even though he be able, the *Shūdra* shall not amass wealth; for having acquired wealth, the *Shūdra* harasses the *Brāhmaṇas*.—(129)

Bhāṣya.

'*Even though he is able*'—by means of agriculture and such acts,—wealth shall not be amassed by the Shūdra. In support of this the Author adds an argument in the form of a declamatory statement.—'*Having acquired wealth the Shūdra harasses the Brāhmaṇas.*'

"What is the harassment caused to Brāhmaṇas?"

Becoming very rich, they would make the Brāhmaṇas accept gifts from themselves, and the accepting of gifts from the Shūdra has been forbidden for them; hence becoming a party to their doing what is forbidden, he would incur sin.

The danger of incurring such sin however could not apply to the case of one who goes on fulfilling all that is prescribed for him. Hence the 'harassment' of the Brāhmaṇa that is meant is only this that he would no longer serve them. —(129)

SECTION (15)—SUMMARY

VERSE CXXX

THE DUTIES OF THE FOUR CASTES IN TIMES OF DISTRESS HAVE THUS BEEN EXPOUNDED; BY PROPERLY CARRYING OUT WHICH THEY ATTAIN THE HIGHEST STATE. —(130)

Bhāṣya.

By duly performing the duties laid down in connection with times of distress, the highest state is attained. The proper care of the body does not involve any transgression of an enjoined duty. Hence it is only right that a desirable result is attained.

This is the reiteration of the scriptural and logical conclusion that when fallen in distress, one should not hesitate to accept improper gifts and so forth.—(130)

VERSE CXXXI

THUS HAS THE ENTIRE LAW RELATING TO THE DUTIES OF THE FOUR CASTES BEEN DESCRIBED; AFTER THIS I AM GOING TO EXPOUND THE EXCELLENT LAW RELATING TO EXPIATORY RITES.—(131)

Bhāṣya.

The mere reading of the words makes the meaning of this text clear.—(131)

END OF DISCOURSE X.

DISCOURSE XI

EXPIATION OF SINS

SECTION (1):—'*SNĀTAKAS*' AND THEIR TREATMENT

VERSES I-II

HE WHO IS SEEKING FOR PROGENY, HE WHO IS GOING TO PERFORM A SACRIFICE, A TRAVELLER ON THE ROAD, HE WHO HAS GIVEN AWAY ALL HIS BELONGINGS, HE WHO IS BEGGING FOR HIS PRECEPTOR, HE WHO IS BEGGING FOR HIS PARENTS, HE WHO IS BEGGING FOR STUDY, A SICK MAN;—(1)—THESE NINE *Brāhmaṇas*, WHO ARE RELIGIOUS MENDICANTS, ONE SHOULD KNOW AS '*Snātakas*'; TO THESE PENNILESS MEN GIFTS SHALL BE GIVEN, IN PROPORTION TO THEIR LEARNING.—(2)

Bhāṣya.

The two verses together form one sentence; which lays down the several characteristics of the person seeking for gifts; the sense being that gifts shall be given, in proportion to their learning, to such penniless men as, having the said character of 'seeking for progeny' and the rest, may be seeking for gifts.

The term '*religious mendicant*,' while qualifying the recipient of gifts, serves also as a condition that entitles the man to receive gifts. Thus it is that by laying down the character of the man fit for receiving gifts, the Author also indicates the occasions on which gifts may be given.

'*One seeking for progeny,*'—he who intends to marry for the purpose of obtaining children. It is for the marriage that money is required; and it helps in the obtaining of children indirectly. Inasmuch as the text has added the epithet 'religious,' one need not give gifts to one who is going to marry a second time, only through lust.

Similarly, '*one who is going to perform a sacrifice*' is to be understood as referring to one who is seeking for wealth in order to enable him to perform the *Agnihotra* and other compulsory rites.

The '*traveller on the road,*'—the person whose supply has run short during his journey.

'*Who has given away all his belongings*';—*i.e.*, the man who has given away his entire property, as the sacrificial fee for the Vishvajit sacrifice,—and not by way of an expiatory rite.

'*He who is begging for study*';—though for the *Religious Student,* all that is laid down is 'Vedic Study' and 'living on alms,'—yet enough should be given to him to provide for his clothing. Or, even one who has learnt the Veda may be seeking for the knowledge of what is contained in the Veda, though he may be living on alms.

'*Sick man*'—one suffering from a disease.

The name '*Snātaka*' has been mentioned here only with a view to eulogising the men spoken of. And the reason for applying this name lies in the fact that as a rule 'begging for the preceptor' and 'begging for study' are possible only for the *Snātaka,* the Accomplished Student; though for the Religious Student also it has been laid down that he shall do the begging for his preceptor.

'*Penniless*'—destitute of wealth.

'*In proportion to their learning*;'—*i.e.*, much wealth shall be given to one possessed of much learning, and little to one possessed of little learning.

"All this that is stated here appears to be wholly irrelevant; as what the Author has declared is—'I am

now going to expound the law relating to Expiations' (10: 131)."

There is no force in this objection. In fact the whole context deals with the duties of men in the various stages of life. The several Expiatory Rites are of unequal nature, and hence these are mentioned along with those. And what is stated in the opening verse has been mentioned first, because it also indicates certain occasions for the performance of expiatory rites.

It has been said that 'gifts shall be given'; and the act of 'giving' can be accomplished only through something that may be given; hence the Author proceeds, in the next verse, to point out what it is that should be given.—(1-2)

VERSE III

FOR THESE BEST OF TWICE-BORN MEN, THE 'GIFT' SHALL CONSIST OF FOOD ACCOMPANIED BY A PRESENT; FOR OTHERS, 'GIFT' HAS BEEN DECLARED TO BE THE COOKED FOOD GIVEN OUTSIDE THE SACRIFICIAL ENCLOSURE.—(3)

Bhāṣya.

Though the term '*dakṣiṇā*' primarily denotes the fee that is given to a man for doing some work, yet, here it stands for all those things that are given away, with the exception of cows, lands and golden vessels. Such too is the ordinary use of the term.

'*For others*'—for supplicants other than those mentioned here.

'*Cooked food*'—To such men cooked food shall be given for eating.

'*Outside the sacrificial enclosure*.'—This refers to the food that should be given by householders, apart from that which is given in connection with sacrificial performances. —(3)

VERSE IV

ON *Brāhmaṇas* LEARNED IN THE VEDA, THE KING SHALL BESTOW, ACCORDING TO THEIR DESERT, ALL KINDS OF JEWELS, AS ALSO PRESENTS FOR SACRIFICIAL PERFORMANCES.—(4)

Bhāṣya.

The giving of gifts has been laid down for all castes, as fulfilling man's purpose, by leading men to heaven. The present text sets forth rules regarding gifts to be made by the king.

If the king is possessed of much wealth, he '*shall bestow on,*'—give to, make accept—'*Brāhmaṇas, all kinds of jewels*'—pearls and the rest—'*according to their desert,*'—in accordance with the learning and character of each man;—'*also presents for sacrificial performances;*'—this has been repeated with a view to showing that such presents shall be made even for the purpose of enabling the *Brāhmaṇas* to perform such rites as are not compulsory, but are performed with a view to a certain reward.—(4)

VERSE V

IF A MAN, HAVING ALREADY GOT A WIFE, WEDS ANOTHER WIFE, AFTER HAVING BEGGED (FOR THE REQUISITE WEALTH), SEXUAL ENJOYMENT IS HIS ONLY FRUIT; THE ISSUE BELONGS TO THE PERSON WHO GAVE HIM THE WEALTH.—(5)

Bhāṣya.

This forbids the act of begging for the purpose of marrying more than one wife merely through lust.

'*Sexual enjoyment is the only fruit*'—This is purely declamatory, and should not be understood in its literal sense.

Others explain the text to mean that 'gifts for marriage shall be given to one who is going to marry for the purpose of obtaining children, and *not* to one who is going to do it merely

through lust';—this same idea being stated in the text in a somewhat different form—'gifts shall be given to one who is seeking for offspring,—the person mentioned in the text is seeking sexual enjoyment, and not offspring.'

'*The issue belongs to the person who gave the wealth,*'—and not to the man who marries.—(5)

[Verse 6 has been omitted by Medhātithi and all other commentators, except Kullūka. But in order to avoid the discrepancy in the numbering of the Verses, the following Verses are numbered both ways.]

SECTION (2)—THE BRAHMANA'S RESPONSIBILITIES AND PRIVILEGES REGARDING SACRIFICIAL PERFORMANCES

VERSE VI (VII)

If a man possesses food sufficient for the maintenance of those whom he has to support, for three years, or more, he deserves to drink Soma.—(6)

Bhāṣya.

If a man has enough wealth to enable him to maintain his dependants for three years,—or if he possesses more—he is worthy of drinking Soma-juice.

Inasmuch as the performance of the Soma-sacrifice has been prescribed by the *Shruti* as a compulsory act to be done daily, the present verse cannot be accepted as applicable to even that case where the man's dependants are in want; since Shruti is the highest authority in these matters. The present prohibition should therefore be taken as meant to apply to such Soma-sacrifices as may be purely voluntary.

"In connection with the Soma-sacrifice, much wealth is needed for the purchase of the Soma and the hiring of the services of the priests, for whom 'twelve thousand' has been prescribed as the sacrificial fee. Thus then, since much larger wealth would be necessary for the performance, how is it that the text speaks of what is just enough for the maintenance of the man's dependants *for three years*?"

As a matter of fact, when a man possesses much wealth, he does fulfil the condition of possessing enough to maintain his dependants for three years; so that it would be open to the man possessed of much wealth to perform the sacrifice.

Though as a rule the term '*dāna*,' '*gift*,' is used in the sense of *gift of food*, yet people might be led to make gifts of gold also, for the purpose of enabling the recipient to purchase the Soma and perform the Soma-sacrifice. And it is such gifts that the next verse is intended to forbid. [The penniless man shall not perform the voluntary Soma-sacrifices].—(6)

VERSE VII (VIII)

FOR THIS REASON, IF A TWICE-BORN PERSON POSSESSING LESS WEALTH DRINKS SOMA, HE DOES NOT OBTAIN ITS REWARD, EVEN THOUGH HE MAY HAVE DRUNK SOMA FORMERLY.—(7)

Bhāṣya.

This verse reiterates the logical fact that no benefit is obtained by a man who has lost his title to the performance by transgressing a definite prohibition.

Inasmuch as the text speaks of '*reward*,' it is clear that what is here stated pertains to voluntary performances.

'***Even though he may have drunk Soma formerly.***'—This implies that a previous performance of the Soma-sacrifice is absolutely compulsory.

The latter half is purely declamatory; it should not be taken as precluding the man who has *not* drunk the Soma formerly.—(7)

VERSE VIII (IX)

IF A WEALTHY MAN GIVES TO OTHER PEOPLE, WHILE HIS OWN PEOPLE ARE LIVING IN DISTRESS,—SUCH COUNTERFEIT VIRTUE WOULD BE LIKE SWALLOWING POISON, WHICH IS SWEET IN THE BEGINNING.—(8)

Bhāṣya.

'***His own people***'—Servants, councillors, mother, son, wife and so forth;—while these '*are living in distress*,'—if the man '***gives to other people***'—for the purpose of acquiring

fame,—this form would be like '*swallowing poison,*'—'*which is sweet in the beginning.*' The swallowing of poison, though apparently sweet in the beginning, leads to disastrous results, in the shape of death; exactly like that is the giving of gifts just described.

This same idea is otherwise expressed by calling the act '*counterfeit virtue.*' It has the semblance of virtue and is not real virtue; just as the shell is *like silver*, not silver itself.—(8)

VERSES IX-X

IF A MAN DOES ANYTHING FOR HIS OWN BENEFIT AFTER DEATH, TO THE DETRIMENT OF THE PERSONS HE HAS GOT TO MAINTAIN,—IT BECOMES CONDUCIVE TO UNHAPPY RESULTS WHILE HE LIVES AS ALSO WHEN HE DIES.—(9). AGED PARENTS, WELL-BEHAVED WIFE AND INFANT SONS HAVE BEEN DECLARED BY MANU TO BE PERSONS THAT SHOULD BE MAINTAINED, EVEN BY DOING A HUNDRED EVIL ACTS.—(10)

Bhāṣya.

This is a deprecatory declamation in support of what has gone before.

'*Persons he has got to maintain*'—already described.

'*Detriment*'—depriving them of food and clothing and other necessaries.

'*For his benefit after death*'—For the purpose of accomplishing for himself rewards in the other world.

'*Conducive to unhappy results*'—The '*Udarka,*' *i.e.*, the 'future result' of such giving turns out to be 'unhappy'.—(9-10).

[Verse 10 translated here has been quoted by Medhātithi in the Bhāṣya on 3. 72.]

VERSES XI-XII

DURING THE REIGN OF A RIGHTEOUS KING, IF THE SACRIFICIAL RITE OF A SACRIFICER, SPECIALLY OF A

Brāhmaṇa, BE INTERRUPTED FOR WANT OF ONE REQUISITE,—THAT SUBSTANCE MAY BE APPROPRIATED, FOR THE COMPLETION OF THAT SACRIFICE, FROM THE HOUSE OF A VAISHYA POSSESSED OF MANY CATTLE, WHO DOES NOT PERFORM SACRIFICES AND DOES NOT DRINK THE SOMA.—(11-12)

Bhāṣya.

Inasmuch as the text speaks of the *requisite*, it follows that the appropriation here permitted applies, not only to the gold necessary for the making up of the sacrificial fee, but also to animals and other things necessary for the sacrifice. All that the text lays down is the *appropriation* of the thing, and not the mode by which it should be done. Hence the thing may be acquired either by begging, or by exchange or by stealing.

"But it has been said that ownership is not acquired by stealing."

There is no force in this objection. Since it is directly laid down here, in so many words, that the thing shall be '*appropriated*'; and it has also been said that 'a sacrifice may be accomplished even by doing a mean act.'

There is nothing to show whether this 'appropriation' is permitted only in a case where a sacrifice having been begun, all its requisites are at hand, with the exception of a single article,—or also when it is intended to be taken in hand.

'*Specially of a Brāhmaṇa.*'—This shows that for the Kṣattriya and the Vaishya also the said appropriation under the said circumstance is permitted.

"What Kṣattriya is there who would *beg*? Specially as begging is absolutely impossible for the Kṣattriya."

What you say is not enough. For the Brāhmaṇa also, *stealing* is forbidden. The fact of the matter is that there is no restriction regarding the method to be employed in the appropriation under the said circumstances.

'*During the reign of a righteous king.*'—This is purely reiterative. If the king is righteous and knows the law, he would know that under the peculiar circumstances *stealing* is permitted, and hence the sacrificer would be emboldened to do the appropriation. If, on the other hand, the king did not know the law, he would punish the said appropriation like ordinary *theft*; and hence under his rule no one would think of doing it.

'*Possessing many cattle*'—This stands for all kinds of wealth.

'*Who does not perform sacrifices*'—*i.e.*, who does not do any righteous act, in the shape of giving gifts and so forth.

'*Kuṭumba*' stands here for the *house*. It is stealing from the house that is exceptionally objectionable; hence it is this that is permitted. But no such restriction is meant as that it should be taken '*from the house*' only; it may be taken also from the threshing yard and such other places, where the particular thing may be available; specially as it is going to be declared later on (Verse 17)—'either from the threshing yard, or from the field, or from the house.'—(11-12)

VERSE XIII

OR, HE MAY FREELY TAKE AWAY TWO OR THREE THINGS FROM THE HOUSE OF A *Shūdra*; FOR THE *Shūdra* HAS NOTHING TO DO WITH SACRIFICES.—(13)

Bhāṣya.

If the thing required is not available in the house of a Vaishya, it may be taken from that of a Shūdra.

'*Two or three.*'—These must be taken as referring to sacrificial requisites, since it is these that the text is dealing with.

The text adds a declamatory statement—'*The Shūdra has nothing to do with sacrifices.*'

Though the appropriation has been spoken of above as to be done by several methods, yet in the case of the *Shūdra*, there should be no *begging*, since it is distinctly said that —'the Brāhmaṇa shall not beg wealth, for the purpose of sacrifices, from a Shūdra.'—(24)

"In another Smṛti, the performance of sacrifices with wealth belonging to the Shūdra has been prohibited without any exceptions."

On the strength of the present text itself, it follows that one may accept gifts from the Shūdra.

Others however explain that when the wealth has been appropriated by the Brāhmaṇa, it is no longer 'wealth belonging to the Shūdra.'

As a matter of fact, however, what the prohibition refers to is the doing of '*Shānti*' and '*Pauṣṭika*' rites for the Shūdra. And a performance is actually called after that wealth which the *Ṛtvik* priest actually employs in the performance; and there is no doubt that in the case of the sacrifices in question, the performance would be styled as done with wealth belonging to the *Shūdra*,' in view of the fact that the wealth originally belonged to him, even though it may not do so at the time of the performance itself.—(13)

VERSE XIV

If a man, possessing a hundred cows, has not laid the Fire,—or a man possessing a thousand cows, performs no sacrifices,—out of the houses of these men also, one may take away (the sacrificial requisites) without hesitation.—(14)

Bhāṣya.

What the verse means is that things may be taken also from Brāhmaṇas and Kṣattriyas, if they are of the character described.

The 'cow' has been mentioned only as the standard of the amount of wealth meant.

'Who performs no sacrifices'—*i.e.*, does not perform the Soma-sacrifice.—(14)

VERSE XV

HE SHALL TAKE IT ALSO FROM ONE WHO ALWAYS ACQUIRES, AND NEVER GIVES, IF HE REFUSES TO GIVE UP THE THING; THUS DOES HIS FAME SPREAD AND MERIT INCREASE.—(15)

Bhasya.

This verse applies to all castes.

'*Who always acquires*'—who always goes on acquiring wealth by agriculture, by receiving gifts, by money-lending and so forth;—'*and never gives.*'

'*If he refuses to give up the thing,*'—then other methods should be employed.

'*Who never gives*'—may be taken to mean 'who is of a miserly disposition.'—(15)

VERSES XVI-XVII

LIKEWISE ONE WHO HAS NOT EATEN SIX MEALS, MAY, FOR THE SEVENTH MEAL, TAKE FROM A PERSON WHOSE SACRED DUTIES ARE NEGLECTED,—BUT ONLY TO THIS EXTENT THAT IT DOES NOT LAST TILL THE MORROW;—(16) EITHER FROM THE THRESHING YARD, OR FROM THE FIELD, OR FROM THE HOUSE, OR FROM ANY PLACE WHERE IT MAY BE GOT; BUT IF THE OWNER QUESTIONS HIM, HE MUST CONFESS IT TO THE QUESTIONER.—(17)

Bhāṣya.

The property of another person may be seized also when one's own family is suffering from want.

'*Not lasting till the morrow.*'—The addition of this phrase implies that the taking of only that much is permitted which may maintain the family for one day,—and no more.

'*From one whose sacred duties are neglected*'—implies that it may be taken for the purpose of sacred rites.

Another *Smṛti* says—'At first one should appropriate from a person of lower status than himself; if no such be available, then from a man of equal status; and in the event of this also being not available, even from a person of superior righteousness.'

'*For the seventh meal.*'—If the man has not eaten for three days he may appropriate another's property for his morning meal on the fourth day. Two meals a day have been laid down in such texts as—'one shall eat in the morning and in the evening.'

'*Or from any place.*'—Even out of the garden and such places.

'*He should confess it*'—but '*to the questioner*' *only*;—'*if he questions him*,'—*i.e.*, he should not send for him and force the owner to question him.

Or the '*questioner*' may stand for the owner of the property, and '*if he questions him*' for the king; the king questioning him when he is taken before him (and charged with having taken away the property). In this manner we may distinguish between the two terms '*pṛchchhatē*' and '*pṛchchhati*.' Says Gautama (18. 30)—'Questioned by the king he should confess it.'

What is said here should be understood to apply to both cases—*want of food*, and shortage of sacrificial requisites. —(16-17)

VERSE XVIII

THE *Kṣattriya* SHALL NEVER APPROPRIATE THE PROPERTY OF A *Brāhmaṇa*; WHEN STARVING, HE MAY APPROPRIATE THE PROPERTY OF THE ROBBERS AND OF ONE WHO NEGLECTS HIS DUTIES.—(18)

Bhāṣya.

'*The Kṣattriya.*'—This is meant to include the Vaishya and the Shūdra also.

'*Never*'—*i.e.*, not even in times of the greatest distress.

'*Robber and one who neglects his duties.*'—That is, Brāhmaṇas having this character. '*Robber*' is the thief, and '*one who neglects his duties*' is the person who does not observe the rules governing the life-stages.—(18)

VERSE XIX

HE WHO TAKES WEALTH FROM THE WICKED AND GIVES IT TO THE VIRTUOUS, MAKES HIMSELF A RAFT AND CARRIES BOTH OVER.—(19)

Bhāṣya.

'*Raft*'—for crossing the sea.

'*Both*'—the man from whom he appropriates it, and the man to whom he gives it.

The rest is purely declamatory.—(19)

VERSE XX

THE PROPERTY OF PERSONS GIVEN TO PERFORM SACRIFICES THE LEARNED REGARD AS 'THE PROPERTY OF THE GODS;' WHILE THE PROPERTY OF THOSE WHO DO NOT PERFORM SACRIFICES IS DESCRIBED AS 'THE PROPERTY OF DEMONS.'—(20)

Bhāṣya.

This also is a declamatory declaration in support of the teaching that 'no property shall be taken from men possessed of good qualities, but there is no harm if it is taken from those devoid of qualities.'—(20)

VERSE XXI

THE RIGHTEOUS KING SHALL INFLICT NO PUNISHMENT UPON HIM; AS IT IS ONLY THROUGH THE FOOLISHNESS OF THE *Kṣattriya* THAT THE *Brāhmaṇa* SUFFERS FROM HUNGER.—(21)

Bhāṣya.

If a person is brought before the king charged with theft, under the circumstances above described, he shall not be punished; as it is only on account of the king's '*foolishness*' —folly—'*that the Brāhmaṇa suffers from hunger.*'

Stress is not meant to be laid on 'hunger' only; as both 'hunger' and 'sacrificial needs' are meant, as is clear from the context and from the implications of the declamatory passages. —(21)

VERSE XXII

HAVING ASCERTAINED THE NUMBER OF PERSONS HE HAS TO MAINTAIN, AND HAVING INVESTIGATED HIS LEARNING AND CHARACTER, THE KING SHALL PROVIDE, OUT OF HIS OWN PROPERTY, A PROPER LIVING FOR HIM. —(22)

Bhāṣya.

'*Proper living*'—whereby he may be enabled to fulfil all his compulsory duties also.

Even if the king's treasury be empty, he shall make this provision, even out of the property that may have been set apart for the queen and the princes.

'*Out of his own property*'—This is a rule meant only for a very wealthy king; specially in view of what has been said above (Verse 4)—'the king shall give all kinds of jewels, etc., etc.'

VERSE XXIII

HAVING PROVIDED A LIVING FOR HIM, THE KING SHALL PROTECT HIM IN EVERY WAY; SINCE HE OBTAINS,

FROM THE PERSON THUS PROTECTED, THE SIXTH PART OF HIS SPIRITUAL MERIT.—(23)

Bhāṣya.

The meaning of this verse is quite clear.—(23)

VERSE XXIV

THE *Brāhmaṇa* SHALL NEVER BEG FROM A *Shūdra* WEALTH FOR THE PURPOSE OF SACRIFICIAL PERFORMANCES; IF ONE PERFORM SACRIFICES WITH WEALTH SO BEGGED, HE IS BORN, AFTER DEATH, AS A *Chaṇḍāla.*—(24)

Bhāṣya.

It is *begging* that is forbidden here; if anything comes *unasked*, the acceptance of that is not forbidden; since it has been declared that—'the acceptance of riches that come unasked is declared to be no *acceptance* at all, in accordance with special usage and texts.'

This prohibition is with reference to the begging of wealth for sacrificial purposes, and not to that for maintaining one's dependants.

Some people regard this verse only as supplementary to what has gone before; the meaning being that—'inasmuch as begging is found to be beset with an undesirable feature, the appropriation of the property of Shūdras should be done in other ways.'—(24)

VERSE XXV

IF A *Brāhmaṇa*, HAVING BEGGED WEALTH FOR A SACRIFICE, DOES NOT SPEND THE WHOLE OF IT, HE BECOMES, FOR A HUNDRED YEARS, A *Bhāsa* OR A CROW.—(25)

Bhāṣya.

If a man has begged some wealth for the purpose of performing a sacrifice, and if he saves something out of it and uses it for other purposes, he becomes either a crow or a *Bhāsa.*—(25)

VERSE XXVI

THE SINFUL MAN WHO, THROUGH COVETOUSNESS, SEIZES THE PROPERTY OF THE GODS, OR THE PROPERTY OF *Brāhmaṇas*, LIVES, IN THE OTHER WORLD, UPON THE LEAVINGS OF VULTURES.—(26)

Bhāṣya.

'*Property of the gods*' is the name given to all that belongs to such men of the three higher castes as are disposed to perform sacrifices. '*Property of the Brāhmaṇa*' is the name that is applied to the belongings of even such Brāhmaṇas as are not disposed to perform sacrifices.

It is in this sense that the verse may be construed:

As a matter of fact however Verse 20 above, which says—The property of those disposed to perform sacrifices the wise call the '*property of the gods, etc.*'—is purely declamatory, and not meant to provide the definition of technical terms; like such terms as 'theft' and the like. For this reason we proceed to explain it differently.

That wealth which has been set apart as to be spent for the gods, in the performance of sacrifices and other such acts, is '*the property of the gods*'; as direct *ownership* is not possible for the gods. In fact the gods never make use of any property, by their own wish; nor are they found to be actually taking care of any property; and it is where all this is found that property is said in ordinary life to *belong* to a person. Hence the name '*property of the gods*' must apply to that which has been set apart as to be used on behalf of the gods,—with such formula as 'this is no longer mine, it is the god's.' And this can refer to only what has been enjoined as to be offered to Agni and other deities at the *Darsha-pūrṇamāsa* and other sacrifices; and it is merely on the basis of the custom of cultured people that it can be applied, only figuratively, to what is offered at sacrifices to Durgā and other deities (which latter are not enjoined in the Veda).

"In the ordinary world, it is property dedicated to the four-armed and other images in temples that is called 'the property of the gods;' and it is only right that in the interpretation of scriptures we should accept that meaning of a word in which it is used in ordinary parlance."

This would be so, if the term '*devasvam*,' 'property of the gods,' were recognised as a non-composite word (whose denotation is not affected by that of its component parts). As a matter of fact, however, the term '*devasvam*' is composite, and its best denotation therefore is that which is provided by its component parts ('*deva*,' 'gods,' and '*svam*,' 'property'); and there is no authority for the assuming of any other denotation. That the true deific character does not belong to the four-armed image is shown by the simple fact that it is regarded as an '*image*' (and not as the *reality*); nor is there any definition of 'god' which can apply directly to the image. According to usage, the property of such images may be called 'property of the gods.' But even there, there can be no *ownership*. And yet actual business may be carried on in accordance with the explanation given above. All this has been explained in Discourse II (Verse 189).—(26)

VERSE XXVII

IN THE EVENT OF THE IMPOSSIBILITY OF THE PERFORMANCE OF THE PRESCRIBED ANIMAL AND SOMA SACRIFICES, ONE SHALL ALWAYS OFFER THE *Vaishvānarī* SACRIFICE AT THE CHANGE OF THE YEAR,—IN EXPIATION THEREOF.—(27)

Bhāṣya.

The actual form of Vaishvānarī sacrifice should be learnt from the *Gṛhyasūtras*.

'*Change of year*'—when one year ends and another begins.

'*Prescribed*'—enjoined.

'*Animal and Soma sacrifices*'—the compulsory ones. The six-monthly and yearly 'Animal sacrifices' are compulsory, as also the 'Soma sacrifice' every spring.

'*In the event of the impossibility of the performance*' —of these, on account of the absence of the requisite wealth; —'*in expiation thereof*,'—for the removal of the sin incurred by the omission of a compulsory rite.

In connection with the occasion here referred to, the Veda lays down other expiatory rites; and some people would combine these with what is here prescribed; their point being that, even though both the rites serve the same purpose, yet they are found to be laid down by two distinct authorities.

This however is not right; because in connection with the expiatory rites for the slaying of a Brāhmaṇa, our Author is going to declare, in so many words, that between the rite laid down in the *Veda* and that prescribed in the *Smṛti*, there should be *option*:—'He may perform the Abhijit or the Vishvajit' (11. 75).—(27)

VERSE XXVIII

IF A TWICE-BORN PERSON PERFORMS, EVEN IN NORMAL TIMES, A SACRED ACT ACCORDING TO THE MODE SANCTIONED FOR ABNORMAL TIMES,—HE DOES NOT OBTAIN ITS REWARD. SUCH IS THE WELL-CONSIDERED OPINION.—(28)

Bhāṣya.

If a man, even though possessed of the requisite wealth, takes advantage of the secondary course laid down in connection with the abnormal condition (of the man being devoid of wealth), and performs the Vaishvānarī sacrifice (in lieu of the more elaborate Animal and Soma sacrifices),—his purpose cannot be thereby accomplished.—(28)

VERSE XXIX

THE SUBSTITUTE OF THE PRIMARY RULE WAS ORDAINED BY THE *Vishvēdēvas*, THE *Sādhyas* AND THE GREAT *Brāhmaṇa* SAGES, WHEN THEY WERE AFRAID OF PERISHING IN ABNORMAL TIMES.—(29)

Bhāṣya.

This also means that the substitute shall be adopted only in adversity, never in prosperity.—(29)

VERSE XXX

IF ONE, WHO IS ABLE TO FULFIL THE PRIMARY RULE, ADOPTS THE SUBSTITUTE,—THIS EVIL-MINDED MAN DOES NOT OBTAIN ITS REWARD IN THE OTHER WORLD. —(30)

Bhāṣya.

This also is a declamatory statement in support of what has gone before.

'*In the other world*'—pertaining to heaven.—(30)

VERSE XXXI

THE *Brāhmaṇa* CONVERSANT WITH THE LAW SHALL NOT COMPLAIN TO THE KING; BY HIS OWN POWER ALONE HE SHALL PUNISH THE MEN THAT INJURE HIM.—(31)

Bhāṣya.

What the verse means is that when the occasion for it arises there is nothing wrong in the Brāhmaṇa having recourse to malevolent rites; it does not actually enjoin these rites; nor does it actually forbid the act of complaining to the King; all that is meant is that if there has been occasion for it, and the Brāhmaṇa does have recourse to the malevolent rites, the King shall not interfere with him. This is what is going to

be declared later on: 'The Brāhmaṇa is the creator, the punisher, etc., etc.—hence no one should say anything unpleasant to him' (Verse 35),—where it is understood that the King shall not tell him anything.

'*Shall punish.*'—Though there is this injunction, yet, as a rule, the Brāhmaṇa should complain to the King; because the sentence '*he shall not complain to the King*' is not a prohibition, as is clear from the consideration of the concluding verse.

The occasions referred to here have been already enumerated—'If one molests his wife' and so forth. In the case of slight offences, he shall complain to the King—'this man has done this to me.'

'*Conversant with the Law*'—*i.e.*, knowing the procedure of the malevolent rites.

'*By his own power*'—by means of incantations and curses; that these are meant being clearly indicated by the next verse.—(31)

VERSE XXXII

HIS OWN POWER IS MORE FORCIBLE THAN THE KING'S POWER; THE TWICE-BORN MAN SHALL, THEREFORE, PUNISH HIS ENEMIES BY HIS OWN POWER.—(32)

Bhāṣya.

It is just possible that the King, being inept, may not inflict the requisite punishment while there is no possibility of the injured person himself ignoring it; it is in this sense that one's own power is more forcible.—(32)

VERSE XXXIII

HE SHOULD MAKE USE OF THE SACRED TEXTS OF THE ATHARVA-VEDA, WITHOUT HESITATION. SPEECH INDEED IS THE *Brāhmaṇa's* WEAPON; BY THAT SHOULD THE TWICE-BORN STRIKE HIS ENEMIES.—(33)

Bhāṣya.

This verse is for the purpose of removing doubts as to what constitutes the 'power' of the Brāhmaṇa.

'*Shruti*' is what is *heard.* The meaning is that he should employ those malevolent rites that are found revealed in the Atharva-Veda. This particular Veda has been mentioned because it abounds in injunctions of malevolent spells,—which also are not such as have been actually forbidden by the other Vedas.

Or, the term '*atharvāṅgirasī*' may be taken as standing for all those sacred texts that deal with malevolent rites.

Or, the term '*Atharva*' itself may be taken as standing for the rites themselves; as we find it used in such passages as—'the *Atharvaṇa* is the name of that sacrifice which is performed with a view to a definite desirable result.'—(33)

VERSE XXXIV

THE *Kṣattriya* SHALL CUT THROUGH HIS MISFORTUNES BY THE STRENGTH OF HIS ARMS; THE VAISHYA AND THE *Shūdra* BY THEIR WEALTH, AND THE CHIEF OF THE TWICE-BORN BY MUTTERED PRAYERS AND OBLATIONS INTO THE FIRE.—(34)

Bhāṣya.

This is supplementary to what has gone before.

VERSE XXXV

THE *Brāhmaṇa* IS CALLED THE CREATOR, THE PUNISHER, THE TEACHER AND THE ADVISOR; THEREFORE ONE SHOULD NOT ADDRESS UNPLEASANT WORDS TO HIM, NOR USE ANY HARSH WORDS.—(35)

Bhāṣya.

The meaning of this verse has been already explained before.

When a Brāhmaṇa is performing a malevolent rite, the King shall not utter any such '*unpleasant words*' as 'punish him.'

'*He shall not use harsh words.*'—This prohibition refers also to remonstrance and censure.

Or, the meaning may be that—'the Brāhmaṇa shall not be ill-treated by men of any caste; since he is very powerful, by reason of his knowledge of the Vedas, and is capable of inflicting punishments by himself.'

'*Creator*'—of another King.

'*Punisher*'—chastiser.

'*Advisor*'—one who offers beneficial advice.

And since he is all this, he is a '*benefactor*.'

Thus, being endowed with all kinds of power, he should not be disregarded as a weakling.—(35)

VERSE XXXVI

NEITHER A GIRL, NOR A YOUTHFUL WOMAN, NOR A MAN OF LITTLE LEARNING, NOR A FOOL, NOR ONE DISTRESSED, NOR ONE WITHOUT THE SACRAMENTS SHALL ACT AS A '*Hotṛ*' AT THE AGNIHOTRA.—(36)

Bhāṣya.

In connection with the appointing of the priests at the *Agnihotra* it has been said,—'one shall pour the libations or have it poured;' and as these words are applicable equally to the man and the woman, as being entitled to the pouring of milk-offerings, the present text forbids it in regard to girls and youthful women.

Similarly the possibility of such offerings being made by one who is possessed of '*little learning*'—*i.e.*, knows only the texts bearing on the two oblations,—or by '*a fool*.'

'*Distressed*'—by illness.

'*Without sacraments*'—who has not been initiated.

Some people hold that this explanation of the text is not right. As regards the *Shrauta* Agnihotra, the declaration is —'on each *Parva day* one shall pour the libations himself, or one of the priests shall do it;' there is no possibility fo a woman ever acting as a 'priest'; hence the prohibition herein contained must pertain to 'the girl and the youthful woman,'—its purpose being to indicate the possibility of its being done by a woman who has got a son. In support of this they quote the following words of other Sūtra-writers—'The wife may freely pour the morning and evening libations in the domestic fire.'

Others again, on the strength of what is said (in the next verse) regarding one being 'skilled in the rituals,' hold that the prohibition pertains to the Three Fires (of the Shrauta ritual).

But as a matter of fact the term '*vitāna*' (used in the next verse) stands for 'ritual'; and all this is performed only in *Shrauta* fires; so that there is no possibility of either *women* or *unlearned* men performing these; specially as it has been laid down that only very specially qualified persons should act as priests.

From all this it is clear that the term '*Agnihotra*' here stands for all kinds of rites, and the term '*hotṛ*' for all classes of priests. So that the present *Smṛti* is only a reiteration of what has been enjoined in the Veda.—(36)

VERSE XXXVII

IF THESE PERSONS POUR THE OBLATIONS, THEY SINK INTO HELL, AS ALSO THE PERSON TO WHOM THE AGNIHOTRA BELONGS; HENCE THE '*Hotṛ*' SHALL BE A PERSON FULLY LEARNED IN THE VEDA AND EXPERT IN RITUALS.—(37)

Bhāṣya.

'*These persons*'—The girl and the rest;—'*sink*' *into hell, if they pour the oblations*;

'*The person*'—*i.e.*, the person on whose behalf the oblations are poured.—(37)

VERSE XXXVIII

IF A *Brāhmaṇa*, POSSESSED OF WEALTH, DOES NOT GIVE A '*prājāpatya*' HORSE AS THE 'FEE' FOR THE FIRE-LAYING, HE BECOMES AS GOOD AS ONE WHO HAS NOT LAID THE FIRE AT ALL.—(38)

Bhāṣya.

In connection with the Fire-laying rite, a horse is to be given as the 'fee.' The term '*prājāpatya*' is added for the purpose of eulogising the horse. Or, the term may be taken to mean 'neither very good nor very bad,' in which sense ordinary men use the name '*prajāpati*.'

'*Possessed of wealth.*'—This means that if the man does not give the fee, on account of his not possessing wealth,—then he does become regarded as one who has laid the Fires.—(38)

VERSE XXXIX

THE MAN WHO HAS FAITH AND CONTROL OVER HIS SENSES MAY PERFORM OTHER MERITORIOUS ACTS; BUT HE SHALL NOT, ON ANY ACCOUNT, PERFORM SACRIFICES WITH SMALL FEES.—(39)

Bhāṣya.

A sacrifice is regarded as '*with small fees*' when the fee given at it is smaller than what has been prescribed.

"The fee is a sort of *hire*; if a worker is obtained at a lower hire, why should anything higher be paid? This is the principle that governs all dealings of people in the ordinary world, with the ploughman and other workers. There is the saying also—'when a thing can be had for one *paṇa*, what wise men shall buy it for ten paṇas?' If the sacred texts prescribe 'twelve-hundred' as the fee, this is done only with a view to the obtaining of higher rewards."

It is people entertaining such notions for whose sake the present text sets forth the prohibition, and it does not refer to a case where the prescribed fee itself is *small.*—(39)

VERSE XL

A SACRIFICE WITH SMALL FEES DESTROYS THE ORGANS, HONOUR, HEAVEN, LONGEVITY, FAME, OFFSPRING AND CATTLE. HENCE ONE POSSESSED OF SMALL MEANS SHALL NOT PERFORM SACRIFICES.—(40).

Bhāṣya.

This verse describes the results following from the transgression of the aforementioned rule.—(40).

SECTION (3)—EXPIATION FOR THE NEGLECT OF THE AGNIHOTRA FIRE

VERSE XLI

If a *Brāhmaṇa* who has set up the fires neglects them wilfully, he shall perform the '*Chāndrāyaṇa*' penance for a month; as his offence is equal to the offence of killing a hero.—(41)

Bhāṣya.

'*Neglects*'—omits to tend; this may mean either the absolute omission of the rite, or allowing the fires to be extinguished.

The text lays down the Expiatory Rite here, because the text has been dealing with the Agnihotra.

Inasmuch as the text speaks of '*fires*' (in the plural), what is here said may also be assumed to be applicable to the neglect of the 'domestic fire.'

'*Equal to the killing of a hero*'—in view of the declaration,—'he who allows the fires to become extinguished is regarded by the gods as the *slayer of a hero*.'

The addition of the qualifying term '*wilfully*' indicates that when the neglect is *not wilful*, there should be some other form of expiation.—(41)

VERSE XLII

Those who perform the Agnihotra, after having obtained wealth from a *Shūdra*, are '*Shūdra's* Priests,' censured among Vedic scholars.—(42)

Bhāṣya.

People explain this verse to mean that the Agnihotra should not be performed with the wealth obtained from Shūdras, as a friendly present. The prohibition does not apply to the carrying on of such compulsory rites as have been already undertaken. It has been declared that 'one should not perform sacrifices after having begged wealth from Shūdras, there is no harm, however, if the wealth is given *unasked*, and is used for the carrying on of a rite already commenced.' Further it is only *making a living* by receiving gifts from improper persons that has been forbidden; while the performance of the compulsory rites by such means has been permitted. From all this the present verse is understood to be the prohibition of only the single rite of 'Fire-laying'; specially because the text mentions simply 'the wealth of the Shūdra,' and does not make any such distinction as between what is obtained *by begging* and what is obtained *unasked*. If the prohibition pertained to *all rites*, then, since the prohibition would have been secured by the present verse, there would be no point in the prohibition of 'begging' contained in Verse 24.—(42)

VERSE XLIII

THE GIVER SHALL CUT ACROSS HIS MISERIES BY PUTTING HIS FOOT UPON THE HEADS OF THOSE FOOLS WHO ATTEND UPON THE *Shūdra's* FIRES.—(43)

Bhāṣya.

The fires are spoken of as 'the Shūdra's' in the sense just explained.

The whole of this section sets forth the evil effects arising from the transgression of the above-mentioned rules—(43)

SECTION (4)—EXPIATION: GENERAL LAWS.

VERSE XLIV

IF A MAN DOES NOT DO WHAT IS ENJOINED, OR DOES WHAT IS CENSURED, OR BECOMES ADDICTED TO SENSUAL OBJECTS, HE BECOMES LIABLE TO EXPIATORY RITES.—(44)

Bhāṣya.

The text now proceeds to describe those Expiatory Rites which form the subject-matter of the discourse, and first of all it describes the persons liable to the performance of these rites. What is it that makes a man liable?

'*What is enjoined*'—as a compulsory act, such as the Twilight Prayers, the Agnihotra and so forth, all such as have their compulsory character indicated by such words as 'one shall perform the Agnihotra *throughout life*.' Those acts also that have been laid down as to be done under specified circumstances,—such as bathing when one is defiled by the touch of something unclean—are included among those '*enjoined*.'

'*Does not do*'—through carelessness or laziness.

Similarly '*what is censured*'—forbidden, such as the drinking of wine and so forth. If one, transgressing the Scriptures, has recourse to such acts.

'*Becomes liable to expiatory rites*.'—All this means that the liability in this case is conditional; the performance of expiatory rites being incumbent upon one who omits what is enjoined and does what is forbidden.

"For one who is desirous of acquiring a village the *Sāṅgrahaṇī* sacrifice has been *enjoined*; so that if one who is desirous

of acquiring a village is somehow unable to perform that sacrifice, this would be an *omission of what is enjoined* on his part; as soon as he conceives a desire for the acquisition of a village, the said sacrifice becomes for him an 'enjoined act'; so that if he does not undertake it, he transgresses the injunction and hence should be liable to the expiatory rites."

Our answer to the above is as follows:—What the injunction in such a case means is that 'when one undertakes the performance of the particular sacrifice, he is led to it by a desire for the reward in the shape of a village'; so that what the scriptural injunction really does is to indicate the relation of cause and effect between the 'sacrifice' and the 'acquisition of a village.' Even though in this case also the main idea expressed by the injunctive sentence is that the act in question *should be done*, yet what the injunction actually does is to lay down that the act should be done only for the accomplishment of the said purpose. So that all that happens to the person omitting the performance of that sacrifice is that that purpose is not accomplished; such omission does not involve a sin; and an expiatory rite would be necessary only when there has been some sin.

"Whence is the idea derived that the omission of a compulsory duty involves sin? In connection with the Agnihotra and such other compulsory acts, we do not find any such assertion as—'he who does not do it incurs sin.'"

As a matter of fact we do find sentences occurring in the wake of the injunction of compulsory duties,—such as '*vēdibhyaḥ paramā bhavati*' [which are understood to be indicative of the said idea]; and in almost all cases there are declamatory passages indicative of the sin involved in the omission of compulsory acts; and there must be some truth in these; otherwise they could not be construed along with any injunction. Even in cases where no such declamatory passages are actually found, they are always assumed in support of injunctions. In fact it is the declamatory passages that constitute the driving force behind

injunctions; such driving force would not be efficient unless it were assumed that an omission would involve sin. In the actual practice of all experienced men such is the operation of all Injunctions. Injunction is as a rule known to *urge* people to actions;—men are never *urged* to anything except what serves a useful purpose for them; and it is with a view to guard against the contingency of the Injunction becoming deprived of this *urging* force that we have to make the said assumption (of passages declaring that omission involves sin). Though the urging power could be secured also by assuming that the act concerned leads to Heaven, yet, as such an idea would be inconsistent with the conception that the act should be done *throughout life*, it becomes necessary to conclude that the due performance saves one from *sin*. To this end we have the assertion—'even a hundred injunctions do not secure that activity of men which is brought about by fear.'

From all this it is clear that when the text speaks of a man not doing '*what is enjoined,*' it refers to the *compulsory acts.*

"In connection with bathing on touching an unclean thing, there are no words indicating its compulsory character, like such expressions as 'throughout life' and the like."

What is the need of any other words? What the text is understood to indicate is that a certain act is to be done under certain specified circumstances; and there is no need for any other driving agency. The fact of the act being compulsory is expressed by the notion that whenever the said circumstance presents itself, it should be done. In the case of *Agnihotra* and such other rites also, we do not find the texts actually containing the term 'compulsory,'—the compulsory character being indicated only by the absolute certainty of the condition mentioned ('throughout life,' in connection with the Agnihotra).

'*Addicted*'—Constantly using such sensual objects as richly cooked food, sandal-paint and unguents, etc. This implies the character of being always given to such enjoyment.

"This has been already prohibited under 4. 16, where it has been said that—'one shall not attach himself to sensual pleasures.'"

People think that since this latter passage occurs in connection with the vows of the Accomplished Student, it cannot serve as a general Prohibition. What occurs under 'vows' cannot be regarded as a Prohibition; as what is enjoined under 'vows' is the taking of a certain resolve, in some such form as—'I shall not do such and such an act.'

Or, some one may be inclined to think that the former prohibition being a slight one, the offence is not a serious one. With a view to guard against this, the Author has put the offence on the same footing as other serious offences.

Or, the explanation may be that it is often found that, even though something has been forbidden in a general way, it is again forbidden specifically, for the purpose of indicating its importance.

For instance, we often meet with such assertions as—'The Brāhmaṇas have come,—the *Vashiṣṭhas* have also come.'

'*Becomes liable to expiatory rites.*'—The term '*prāyashchitta*,' '*expiatory rite*,' is a conventional name applied to certain rites performed under certain specified conditions, and the form '*prāyashchittīyatē*' is formed according to Pāṇini 3. 1. 85.

'*Man.*'—This term has been added for the purpose of indicating that what is here stated applies to all the four castes.—(44)

VERSE XLV

THE LEARNED UNDERSTAND EXPIATORY RITES TO PERTAIN TO CASES WHERE THE SIN IS COMMITTED UNINTENTIONALLY; SOME PEOPLE HOWEVER ASSERT ON THE EVIDENCE OF 'SHRUTI TEXTS' THAT THEY APPLY TO CASES OF INTENTIONAL OFFENCE ALSO.—(45)

Bhāṣya.

This declaration has been made for the purpose of indicating that in cases of intentional offence, the Expiatory Rite should be of a particularly serious character.

'*Committed unintentionally.*'—They declare that Expiatory Rites are meant to be performed in cases where the '*sin*'—the transgression of the ordinances—has been committed through negligence or want of care.

"What are the grounds for such an opinion? The law on the point is that—'when a man transgresses an injunction and undertakes a wrong act, he shall perform an expiatory rite.' So that there is no ground for any differentiation."

Some people hold that if there were no such differentiation, there would be no point in the prescribing of special Expiatory Rites for cases of intentional offence.

It is for this reason that the text puts forward another view, by way of a '*Pūrvapakṣa*,' a 'contrary view'—'They apply to cases of *intentional offence also*.' According to this view the meaning of the Law would be that Expiatory Rites shall be performed in cases of *intentional* as well as *unintentional* offences.

'*On the evidence of Shruti texts.*'—One Vedic text indicative of the said view is found in the *Upahavya-Brāhmaṇa* (the story of Upahavya)—'Indra gave away the ascetics to the dogs.' Such giving away could never have been *unintentional*; and yet the story goes on to say, it was for the purpose of expiating this sin that Prajāpati made over Upahavya to Indra. Such is the clear meaning of the text.—(45)

VERSE XLVI

A SIN COMMITTED UNINTENTIONALLY IS EXPIATED BY THE RECITING OF THE VEDA; WHILE THAT COMMITTED INTENTIONALLY, IN FOLLY, IS EXPIATED BY THE VARIOUS FORMS OF EXPIATORY RITES.—(46)

Bhāṣya.

Question.—"Do these Expiatory Rites end only with their performance (without bringing about any effects), just like the Twilight Prayers and other rites? Or, do they continue until definite effects are produced, in the form of the actual removal of the guilt, like the act of cleansing the body (which ends only with the actual removal of the dirt)?"

In answer to this some people offer the following explanation :—As a matter of fact no action is ever lost ; both merit and demerit (due to actions) end only with the bringing about of their effects ; no actions ever disappear until they have brought about their effects. This is what is meant by the assertion that 'no action is ever lost.' Hence the man who commits a transgression *must* experience the tortures of hell, as the result of that transgression, [so that no expiation of any transgression is possible]; and the only effect of his not performing the prescribed expiatory rite would be that he shall also transgress the law laying down such rite, and thus commit a further offence.

This, however, is not right. Because, simply because the texts lay down that the rite shall be performed, such rite does not become *compulsory* [and it is only the omission of a compulsory act that involves sin]. All that is said is that the man becomes 'cleansed'; from which it is clear that this *cleansing* is the purpose served by the expiatory rite. So that when expiatory rites are performed, one would wash off his sins ; and this would be done because of the sin having been committed by the man himself.

It has been argued above that—" all that has been indicated is that sin is incurred by the man who commits an act that has been forbidden by a prohibitive text ; and not that the sin becomes nullified by means of expiations."

But this also is not right. Because what has been indicated is that the said act becomes a source of suffering; now in Expiation also there is much suffering in the form of penances

and charities; and it is quite possible that the small amount of suffering undergone in the shape of these latter should prevent the onset of the greater sufferings threatening in the future. Just as a serious disease is prevented by the eating of bitter medicines and keeping on low diet; or again, when a man having committed an offence surrenders himself to the king and confesses his guilt, saying—'I have done such and such an act,'—the punishment inflicted upon such a man is only half of what is prescribed for that offence; while if he were arrested by the king's officers and brought to court, his punishment would be much severer.

Thus it is that the utility of the injunctions in question (of expiations) becomes established. That the rites are destructive of the effects of sins has to be admitted on the strength of the injunctions themselves. It is for this reason that these rites have been called 'expiatory' of sins; for the sin is said to be 'expiated' only when it has become deprived of its causal efficiency.

For the same reason the Expiatory Rite cannot be regarded as restoring the rights and privileges lost by reason of the guilt; since it is only in the case of the five most heinous offences that any loss of privileges has been mentioned,—the very term 'becoming an outcast' meaning *the loss of the privileges of the caste.*

In connection with the present context it should not be understood that any such marked distinction is intended as that 'in the case of *unintentional* offences the expiation consists in the reciting of the Veda, and in that of *intentional* offences of penances';—because as a matter of fact both kinds of expiation have been laid down in connection with both kinds of offences; specially as every rule regarding an expiatory rite starts off with the defining of the occasion for expiation; *e.g.*, 'The Slayer of a Brāhmaṇa shall make a cut, etc., etc.' (11. 72)

Thus then, all that the verse means is that—'there is heavy expiation in the case of intentional offences, and a lighter one in that of unintentional ones.'

"In fact when a man commits an act unintentionally, he is not the *doer* of that act; as one is called the 'doer' of an act only when he does it intentionally; as we find people making such assertions as—'This man is not doing such and such an act, he is being made by fate to do it.' Further, it is only as done with a distinct motive towards it that an act forms the subject of a prohibition; *e.g.*, it is only when a man evinces a desire for drinking wine that he is told 'not to drink the wine'; and if a man eager for a drink of water drinks wine thinking it to be water, he does not incur any guilt; and this for the simple reason that his action has not been prompted by the motive to drink wine. It might be argued that it is only an action that has formed the subject of an Injunction that cannot be forbidden. This is quite true, so far as actions without a purpose are concerned; but of actions with a purpose, a prohibition is always possible."

In answer to this some people offer the following explanation:—What forms the subject-matter of prohibitive texts is the affirmation of an act as extending up to the sin that its commitment involves; just as it does in the case of taking poison.

For these people the objection has no force at all. As regards the taking of 'poison,' there can be no distinction as to its being done intentionally or unintentionally; in either case the act must lead to death.

Similarly in the case of such acts as 'the Slaying of a Brāhmaṇa' and the like.

According to some people an act is done because of the declaration that *it shall be done*, and it is not done because of the declaration that *it shall not be done*. And by this view also prohibitions apply to only one who is going to do some ordinary act; it is only when a man is going to do an act that he is called its 'doer.' But a man can be a 'doer' even without knowing it, as when he falls down a river-bank. It cannot be said that in such a case the man is called a 'doer' only in the

figurative sense; because the *doer* (nominative) has been defined only as 'one who is his own master regarding the act,' and not as 'one who does an act *intentionally*.'

Further, from the present text itself it is clear that even acts due to sheer negligence have been held to involve sin, and hence necessitate expiation. What is the need of any further assumptions ?—(46)

VERSE XLVII

HAVING INCURRED THE LIABILITY TO AN EXPIATORY RITE,—EITHER BY CHANCE OR BY A PREVIOUS DEED, —A TWICE-BORN PERSON SHALL NOT ASSOCIATE WITH RIGHTEOUS MEN, SO LONG AS THE EXPIATORY RITE HAS NOT BEEN PERFORMED.—(47)

Bhāṣya.

'*By chance*'—through his own negligence.

Some people read '*mohāt*' in place of '*daivāt*.' It is only *through folly* ('*mohāt*') that people commit misdeeds; which man, who is not *a fool*, shall ever transgress a scriptural injunction ?

'*By a previous misdeed*'—Some evil deeds committed in previous life, whose effects have been already experienced, and which are inferred from such physical defects as disfigured nails and the like.

The meaning of all this is as follows :—Transgressions done in the present life are either intentional or unintentional; and the same should be inferred also in the case of acts done in previous lives.

"But what is the expiation to be done in the case of disfigured nails and such physical defects ?"

The '*Kṛchchhra*,' the '*Atikṛchchhra*' and the '*Chāndrāyaṇa*' are expiatory rites applicable to all cases; though Vashiṣṭha has declared that 'the man should perform that special expiatory rite somehow connected with that which is indicative of the previous sin.'

What the present text thus means is that those who have not performed the Expiatory Rite to which they are liable shall avoid associating with righteous men; *i.e.*, they should not mix with them in study and such acts.

Though the act of 'associating' pertains to both parties, and hence when prohibited in reference to one, it becomes forbidden for both,—yet the prohibition is again repeated (in 189) in the form that 'righteous men shall not associate with them,' and this is on account of the agents concerned in the two cases being different. If there were prohibition in reference to one party only, then a transgressing of this prohibition would render that party alone liable to expiation,—and not the other party, even though the latter also would have done the act of 'associating.' Hence with a view to indicate the liability of both parties we have the two distinct prohibitions—one for the righteous and another for the unrighteous. The upshot of all this is that no one should associate with persons with black teeth and so forth, until they have performed the necessary expiatory rite.—(47)

SECTION (5) PHYSICAL EFFECTS OF UNEXPIATED OFFENCES COMMITTED IN PREVIOUS LIVES

VERSE XLVIII

Evil-minded men suffer disfigurement,—some from evil deeds committed during the present life and others from those committed in former lives.—(48)

Bhāṣya.

What has been explained above is made clear now.

'*Some from evil deeds committed during the present life*'—*i.e.*, by doing forbidden acts in their present birth.

'*By those committed in former lives*'—as explained above.

It is this '*disfigurement,*' as indicative of past sins that is now described in detail.—(48)

VERSES XLIX-LII

The stealer of gold has disfigured nails; the drinker of wine, black teeth; the slayer of a *Brāhmaṇa*, consumption; and the violator of his Preceptor's bed, a disfigured skin;—(49) the informer, a foul-smelling nose; the false calu-minator, a foul-smelling mouth; the stealer of grains, a deficiency of limbs; and the adul terator, an excess of limbs;—(50) the stealer of food, dyspepsia; the stealer of words, dumbness; the stealer of clothes, leucoderma; and the stealer of horse, lameness.—(51) It is thus that idiots, the dumb, the blind, the deaf and

DEFORMED MEN, DESPISED BY RIGHTEOUS MEN, ARE BORN, ON ACCOUNT OF PARTICULAR ACTS.—(52)

Bhāṣya.

By killing a Brāhmaṇa one becomes affected by *consumption*—a very serious disease known among physicians by that name.

One who has intercourse with his preceptor's wife suffers from 'disfigured skin.'

The '*informer*' has a nose emitting nauseous smell; and '*the false calumniator has a foul-smelling mouth.*'

"The *calumniator* also is only an *informer.*"

True; but one of them (the former) assumes other people's defects, while the other describes only those that really exist;—that is the sole difference between the two.

'*Excess of limbs*'—more than the natural number.

'*Adulterator*'—one who mixes commodities with inferior ones resembling it, *e.g.*, saffron with the *Kusumbha* flower.

'*Dyspeptic*'—one who cannot digest the food eaten.

'*Dumbness*'—Incapability of speech; *e.g.*, the idiot, the epileptic and the like.

The rest is well known.

'*Deformed.*'—Their figure is despicable.

All this is the result of '*particular acts.*' These acts bring about the said effects instead of making the men sink into hell and suffer after-death tortures; or even for those who, even though they have passed through all these latter, have still some remnant left of the force of their past misdeeds; or for those in whose case the force of their meritorious deeds being greater, the effects of the evil deeds have had no occasion to assert themselves. In all such cases there is a 'residue' of past acts.—(49—52)

VERSE LIII

BECAUSE PERSONS WITH SINS UNEXPIATED ARE BORN WITH DISGRACEFUL MARKS, THEREFORE EXPIATORY

RITES SHALL ALWAYS BE PERFORMED, FOR THE PURPOSE OF PURIFICATION.—(53)

Bhāṣya.

'*Disgraceful marks*'—Disfigured nails, black teeth and so forth.—(53)

SECTION (6)—OFFENCES: THEIR CLASSIFICATION

VERSE LIV

Brāhmaṇa-SLAYING, WINE-DRINKING, THEFT, INTERCOURSE WITH THE PRECEPTOR'S WIFE,—ARE CALLED THE 'HEINOUS OFFENCES,' AS ALSO ASSOCIATION WITH THESE.—(54)

Bhāṣya.

(*a*) Intercourse with the Preceptor's wife, (*b*) Theft, and (*c*) Association with outcasts,—these are '*heinous offences*' for all castes;—'wine-drinking' is so only for the Brāhmaṇa.

'*Theft*'—stands here for the stealing of gold belonging to a Brāhmaṇa; as is clear from another Smṛti text, which says that—'The stealing of Brāhmaṇa's gold constitutes a *heinous offence*.'

The term '*pātaka*' (offence) literally signifying 'that which degrades,' is applied to all transgressions, major as well as minor, and, in the name '*mahā-pātaka*,' the qualifying epithet '*mahā*' is meant to indicate the great seriousness of the offence.

'*Association with these*'—with any one of them; details regarding this are going to be described under 180 below.—(54)

VERSE LV

LYING FOR SELF-AGGRANDISEMENT, CALUMINATING BEFORE THE KING, AND FALSELY HARASSING THE PRECEPTOR ARE EQUAL TO '*Brāhmaṇa*-KILLING.'—(55)

Bhāṣya.

'*Samutkarṣē*'—The Locative ending denotes *purpose*; just as in the expression '*charmaṇi dvīpinam hanti*' ('kills

the tiger for the sake of his skin'). When a man lies with the motive of securing honour for himself, his offence is equal to that of killing a Brāhmaṇa. For instance, on an occasion great honour or much wealth is expected to be obtained by every one who is a Brāhmaṇa, or a Vedic scholar, or belongs to a high family,—if one falsely represents himself as such; or when a person needs a qualified recipient for his gifts, if one, though not so qualified, represents himself to be as such. In such cases the man lies '*for self-aggrandisement*'; this is what is meant, and not any small gain for oneself; even though this latter also may be called '*samutkarṣē.*'

One is said to 'caluminate' people when he falsely attributes evils to him.

'*Falsely harassing the preceptor*'—causing him pain and anxiety by falsely telling him such things as 'your unmarried daughter is pregnant,' and so forth; which implies needless hatred. Or, '*nirbandha*' may stand for quarrelling with him before the King, or bringing a false charge against him. Says Gautama,—'False accusation of the Teacher, etc......are equal to the heinous offences.' (21.10)—(55)

VERSE LVI

NEGLECTING THE VEDA, REVILING THE VEDA, BEARING FALSE WITNESS, SLAYING A FRIEND, AND EATING OF FORBIDDEN AND UNFIT FOOD,—THESE SIX ARE EQUAL TO 'WINE-DRINKING.'—(56)

Bhāṣya.

After having learnt the Veda, if one forgets it on account of not keeping up its study, he is said to '*neglect the Veda.*' Or it may stand for the disobedience of the injunction of Vedic study, as a compulsory duty.

'*Bearing false witness*'—even on occasions other than for self-aggrandisement.

'*Slaying*'—killing—'of a friend.'

'*Eating of forbidden and unfit food.*'—'*Forbidden*,' such as garlic and the rest; '*unfit*,'—*i.e.*, unpleasant. If such food is intentionally eaten.—(56)

VERSE LVII

Stealing of a deposit, or of men, horse, silver, land, diamonds and other gems,—all this has been declared to be equal to the 'stealing of gold.'—(57)

Bhāṣya.

'*Deposit*'—even such as consists of not very valuable things.

'*Men.*'—This term stands for the *kind*; hence the stealing of women also stands on the same footing. This same sin accrues to him who, after having betrothed his daughter to one man, gives her ultimately to another, even when no defects have been found in the former bridegroom. This is what has been described as the man 'falling upon a lie.'—(57)

VERSE LVIII

Carnal intercourse with one's uterine sister, or with virgins, or with low-born women, or with the women of one's friend or son,—all this they regard as equal to the 'violating of the Preceptor's bed.'—(58)

Bhāṣya.

'*Uterine sisters*'—sisters born of the same mother as oneself.

'*Virgins*'—unmarried women.

'*Low-born women*'—wild women.

'*Friend*'—companion; his '*women.*'

The use of the generic term 'women' indicates that it is not only the *wife* that is meant. What is meant is a woman *kept* for carnal purposes, by the friend or the son.

What we hold however is that, even though the text has used the generic term 'women,' yet it cannot be regarded as putting the *married* and the *unmarried* women on the same footing; because such an equalisation would be highly unreasonable.

What is said here is not for the purpose of indicating what the exact expiatory rite in the case should be, but with a view to indicate [the seriousness of the crime; which, of course, means that] the expiation also should be heavy. This is what has been set forth in the declaration —'these shall be heavy in the case of serious, and light in that of lighter, crimes.' If all this were for this purpose of indicating the exact expiatory rite, it should have occurred under the section dealing with these rites proper. Further, since 'bearing false witness,' and 'slaying of a friend,' are here placed on the same footing as 'wine-drinking,' the expiation for these could not be prescribed as the same as that in the case of 'Brāhmaṇa-killing';—secondly, the 'falsely harassing the Preceptor' has here been declared to be equal to 'Brāhmaṇa-killing,' and yet later on it has been considered necessary to lay down again for this offence the same expiation as for 'Brāhmaṇa-killing';—thirdly, carnal intercourse with a 'virgin' has here been said to be equal to the 'violating of the Preceptor's bed,' and yet it was considered necessary to prescribe again for this offence the same expiation as that for the said 'violating of the Preceptor's bed.' From all this it is clear that the present equalising of the various sins here with one or the other of the heinous offences is not meant to be an injunction of the necessary expiatory rites.

Other people think that even though all that is meant is to indicate the seriousness of the crimes, yet there is nothing unreasonable in the equalisation here set forth; which may, therefore, be taken as meant to indicate the exact expiations. As for the fact that, even though 'bearing false witness,' and 'slaying a friend' are here put on the same footing as 'wine-drinking,' yet the exact expiation for it has been prescribed to

be the same as that for Brāhmaṇa-killing,—this means simply that the two expiations are meant to be optional. Where there is absolute equalisation, there can be no option ; as is clear from Verse 87 below.—(58)

VERSE LIX

KILLING A COW, SACRIFICING FOR ONE UNWORTHY TO SACRIFICE, ADULTERY, SELLING ONESELF, ABANDONING ONE'S FATHER, MOTHER, TEACHER, OR SON, OR OF VEDIC STUDY OR FIRE ;—(59)

Bhāṣya.

The author now proceeds to describe the '*Minor offences.*'

'*Those unworthy to sacrifice,*'—*i.e.*, the outcast, the Shūdra and so forth,—'sacrificing' for these. The use of the affix '*ṇya*' in the nominal sense is a Vedic anomaly.

'*Selling oneself*'—Making oneself a slave, subservient to another man, and thus putting himself on the same footing as the cow and such other properties as are sold.

Others read—'*pāradāryamavikrayam*'—'adultery and selling what should not be sold.'

What is meant by '*selling oneself*' is taking service under an unrighteous master, when there is only slight trouble, in the shape of want of livelihood and the like.

The '*abandoning of the teacher*'—means the neglect of attention due to him ; *e.g.*, having recourse to another teacher, while the former teacher is quite competent to teach.

Similarly with the '*abandoning of one's father and mother.*'

What is reprehensible is the abandoning of these when they are not outcasts. If they have become outcasts, their abandoning would be only right and proper.

The Construction is—'*the abandoning of Vedic study and the Fire.*' The '*abandoning of Vedic study*' means

not carrying out in practice the injunction that 'one should recite the Veda everyday.'

"Would the omission of this study for a single day, or for one year, constitute this offence?"

Since the text contains no qualification, it would seem that omission for even one day would constitute the offence.

This, however, is not right. Because the injunction of daily study is a compulsory one; and a distinct expiation is going to be set forth later on for the omission of a compulsory duty. Hence what is meant here is such neglect as leads to the Veda being entirely forgotten.

This neglect having been declared (under 56) to be equal to 'wine-drinking,' the present text is meant to indicate an alternative expiation; the exact alternative to be employed should be determined by the comparative seriousness or otherwise of the neglect in any particular case. For instance, if the neglect of Vedic study is due to the man being engaged on another Vedic rite, his offence would be a *minor* one; while if it is due to the man giving himself up to luxury, or to money-making, or to quarrels,—his offence would be equal to 'wine-drinking.'

As the 'fire' is spoken of in the singular, it should be understood to mean the *domestic fire*;—the *Shrauta* Fires having been all along spoken of in the plural.

"In connection with the offences of abandoning the *Shrauta* Fires, the *Chāndrāyaṇa* penance has been declared to be the expiatory rite. In the present context also, since the act would be of the nature of a *minor* offence, the expiation would consist of the same penance."

There is no force in this objection; since in connection with *minor offences* also, diverse expiatory rites have been laid down;—the comparative seriousness or otherwise of the offence and the heaviness or lightness of the expiation being determined in each case by considerations of the capacity of the man concerned. And when the *Chāndrāyaṇa* penance has been

mentioned as the expiation for *minor offences*, what is meant is that that penance represents the lowest limit.

'*Abandoning of the son*'—means omitting to support him, or turning him out of the house—when he is no longer an infant and is duly qualified. In the abandoning of a son who has become an outcast, there would be no wrong.—(59)

VERSE LX

Allowing oneself to be superseded in marriage by his younger brother, superseding by the younger one's elder brother in marriage, and the giving of one's daughter to, or sacrificing for, these two;—(60)

Bhāṣya.

'*Younger*'—younger brother.

'*Sacrificing for these two*'—*i.e.*, officiating as priest for them at the *Darsha-pūrṇamāsa* and other sacrifices.—(60)

VERSE LXI

Defiling a maiden, usury, breaking of a vow, selling a tank, a garden, one's wife or a child.—(61)

Bhāṣya.

'*Defiling a maiden*';—*i.e.*, having recourse to her in the spirit of bravado that 'she has not yet been touched by man'; or, the depriving her of her chastity by touching her generative organ with the toe or such other parts of the body;—in fact doing all these, with the sole exception of actual sexual intercourse;—which latter has been declared to be equal to 'the violating of the Preceptor's bed.'

'*Usury.*'—Making money by this means as a means of living,—even in normal times. Vashiṣṭha has declared that 'usury consists in lending money or grains on interest.' This is a scriptural technicality, not subject to the notions of the ordinary world.

'*Breaking of a vow.*'—A 'vow' consists in the taking of such resolution as—'I shall rather starve than partake of food in the house of such and such a person eating at whose place is forbidden'; and if one does not keep to this resolve, it would be 'breaking of the vow.'

"As a matter of fact, the name 'vow,' *vrata*, is given to a restriction that one voluntarily puts upon himself; and if the resolve is a voluntary one, how could deviation from that constitute a transgression of the scriptures? It has been said that 'by omitting to do what is enjoined one becomes liable to expiation'; and the resolution in the case in question is not 'what is enjoined." '

The answer to this is as follows:—It is true that in the initial stage the vow is purely voluntary; but the *keeping* of it is what has been 'enjoined' by the scriptures. Just as in the case of the Saurya and other sacrifices performed with a view to definite rewards,—the act, in its initial stage, is purely voluntary; but the continuation and completion of it (when once begun) is what is 'enjoined'; the act could be discontinued only either if the performer had ceased to desire the particular reward, or if the reward were actually obtained; in all such cases the performer would be blamed as being energetic only in undertaking an act.

As regards the observances to be kept by the Accomplished Student, the text is going to lay down a very light expiation for the neglect of these. And this may be regarded as an optional alternative to what is here laid down.

'*Garden*'—flower-gardens and parks, etc.

Another *Smṛti* declares all kinds of land as 'not to be sold.'—(61)

VERSE LXII

APOSTACY, ABANDONING A RELATIVE, TEACHING FOR WAGES, LEARNING FROM A PAID TEACHER AND THE SELLING OF WHAT SHOULD NOT BE SOLD.—(62)

Bhāṣya.

'*Relations.*'—The maternal uncle, cousins and others, even apart from one's uterine brothers. If one has the means, it behoves him to support all these, if they be starving. This is what has been spoken of above in Verse 9.

"In face of the present text, the mention of the abandoning of one's son (in 60) becomes superfluous."

It is not superfluous. The mention of both is like the case where all web-footed birds having been forbidden in general, the Swan is specially prohibited separately.

Hence the abandoning of the mother and those mentioned in the former verse is also a *minor offence*, like what is mentioned in the present verse; with this difference only that this latter is less serious.

'*Teaching for wages and learning from a paid teacher*'—*i.e.*, if one learns from a paid teacher, when unpaid teachers are available.

'*What should not be sold*'—as described in Discourse X (Verses 86, *et seq.*).—(62)

VERSE LXIII

SUPERINTENDING ALL MINES, EXECUTING LARGE MECHANICAL WORKS, DESTROYING MEDICINAL HERBS, SUBSISTING ON WOMEN, PERFORMING MALEVOLENT RITES AND SORCERY.—(63)

Bhāṣya.

'*Mines*'—places where gold and other precious things are obtained.

'*Superintending*'—control obtained under royal commands.

'*All*'—implies the inclusion of other sources of income also, *e.g.*, control over villages and towns, investigating law-suits and administering criminal law.

Similarly '*mechanical works*' stand for the building of bridges and embankments for regulating the flow of water; the undertaking of such works also is a minor offence.

'*Destroying*'—Cutting—'*medicinal herbs*'—before they are dry.

'*Subsisting on women.*'—That is, maintaining oneself and family on the property of women, or making a living out of prostitutes.

'*Malevolent rites.*'—Killing one's enemies by curses or incantations or sacrificial rites prescribed in the Veda.

'*Sorcery.*'—Using incantations for gaining control over persons.—(63)

VERSE LXIV

CUTTING DOWN GREEN TREES FOR PURPOSES OF FUEL, THE UNDERTAKING OF THE ACT (OF COOKING) FOR ONE'S OWN BENEFIT AND THE EATING OF FORBIDDEN FOOD.—(64)

Bhāṣya.

There would be nothing wrong in the cutting down of trees for purposes of fuel for sacrificial performances; specially as one cannot be sure of the purity of dead trees.

'*Undertaking of the act*'—of cooking. There is the prohibition that, even when distressed by hunger, one shall not do the cooking for himself alone; and it is for this reason that we explain the term 'act' to mean the *act of cooking.* If, on the other hand, we took the term to stand for *action in general,* then it would be necessary to assume the necessary prohibition of such action in general, merely on the strength of the fact that an expiation is laid down for it; as there could be no expiation for an act that is not prohibited; as it has been declared that 'by doing what is forbidden one becomes liable to expiatory rites' (44). When, however, we take the word to mean as explained above, then the expiation laid down is quite

in keeping with a well-known prohibition, and there is no need for assuming one.

'*Eating forbidden food.*'—*Objection.*—"The Eating of Forbidden Food having been already mentioned above (57), why should there be a repetition of it here?"

Answer.—It has been mentioned again for the purpose of indicating an alternative Expiation;—the sense being that the expiation prescribed before is for repeated acts of eating forbidden food; while the one indicated by the present text is for doing it for the first time.—(64)

VERSE LXV

OMISSION OF FIRE-LAYING, THEFT, NON-PAYMENT OF DEBTS, STUDYING BAD BOOKS, AND THE PRACTISING OF THE HISTRIONIC ART.—(65)

Bhāṣya.

'*Omission of Fire-laying*'—is an offence in the case of a man who has been married and has got a son, and is possessed of the requisite means. The author of the *Smṛti* thinks that since the Vedic texts laying down Fire-laying do not contain any conditions, they clearly indicate the compulsory character of that rite.

"How can the act of *laying* of the fire be regarded as enjoined by Vedic texts? If what is mentioned in one context were to be taken as *enjoined* in connection with another, this would lead to a great confusion regarding the true meaning of the scriptures. What the texts are actually found to prescribe are the *Fires*; how can that be taken as prescribing the act of *laying*?"

It is true that the *Fires* have been prescribed by such texts as—'Libations are to be offered into the Āhavavīya Fire,' and so forth; but, as a matter of fact, these Fires cannot be obtained without *laying* (*or kindling*); it is for this reason that

when the *Fires* are prescribed, it is understood that the act of *laying* them is also prescribed.

"If the laying be meant simply for the obtaining of the Fires, then the injunction would apply to only those persons who perform the rite of Fire-laying; and not to one who has no fires at all. Nor is the act of *laying* compulsory, in the way in which the life-long rites are compulsory. How then can *the omission of Fire-laying* be an offence?"

The passage—'by not doing what is enjoined, etc., etc.,'—has clearly laid down that one is liable to expiation if he omits to do what is enjoined; and the act of Fire-laying has been enjoined by such texts as 'one shall lay the Fires.'

"It is true that the act has been enjoined; but it is so neither with a view to the obtaining of heaven, nor for any other purpose; it has been enjoined only for the purpose of obtaining the Fires. As for the Fires, their use is well known; so that the man who needs them shall obtain them by the means thus enjoined,—and others will not obtain them. What possibility would be there for the *omitting of what has been enjoined,*—which would render the person liable to Expiation? How can a man be regarded as an offender if he fails to obtain gold, for instance?"

Our answer to the above is as follows:—From the present text itself it is understood that if a man is entitled to Fire-laying, he must obtain the Fires by means of the rites prescribed.

Theft—of articles other than those specifically named in this connection.

'*Debts.*'—This refers to the non-performance of those acts that have been laid down as paying off the 'four debts' (to the Gods, the Pitṛs, to Men and to the Fires).

'*Bad books*'—*e.g.*, those written by *Chārvākas* and *Nirgranthas*; those that are not trustworthy, and have no connection with Vedic rites or their effects.

'*Histrionic art*'—acting, dancing and singing.—(65)

VERSE LXVI

STEALING GRAIN, BASE METALS AND CATTLE,—INTERCOURSE WITH WOMEN ADDICTED TO DRINKING WINE,—KILLING WOMEN, *Shūdras*, *Vaishyas* AND *Kṣattriyas*,—AND HERESY,—EVERYONE OF THESE IS A 'MINOR OFFENCE.'—(66)

Bhāṣya.

'*Grains*'—stands for the seventeen things, ending with 'hemps.'

'*Base metals*'—Pans and pots made of iron, copper, etc.

"'Stealth' in general has been already mentioned in the preceding verse."

This objection has been already answered by us (under 62). Or, 'stealing' here may be taken as standing for what is taken on loan but not repaid, or what is taken fraudulently,—and not for what is ordinarily known as 'stealing.'

'*Addicted to drinking wine*';—the Brāhmaṇa's intercourse,—*i.e.*, lying with, or actual congress with Kṣattriya and Vaishya women.

'*Killing of women*'—of the Brāhmaṇa woman also.

'*Heresy*'—the holding of such opinions as 'there is no heaven,—there is no virtue in charity' and so forth.—(66)

VERSE LXVII

CAUSING PAIN TO A *Brāhmaṇa*,—SMELLING AT THINGS THAT SHOULD NOT BE SMELT, OR AT WINE,—CHEATING—AND SEXUAL INTERCOURSE WITH A MAN,—ALL THIS IS DECLARED TO LEAD TO LOSS OF CASTE.—(66)

Bhāṣya.

'*Causing pain.*'—Inflicting physical suffering with a stick or with the hand.

"What is it *that should not be smelt?* There is no prohibition of the *smelling* of anything, as there is of *eating*.

Nor does it follow that what should not be *eaten* is also what should not be *smelt*. Because butter and other things got together for sacrificial performance are what should not be *eaten*,—and yet these are not held to be what should not be smelt."

Our answer to this is as follows.—Such things as garlic, onion, human excreta and the like, on account of their foul smell, cause pain to the olfactory organ; and it is these things that are meant; and since 'wine' is also mentioned in this context, those things also are meant to be included the *eating* whereof has been forbidden. But rotten wood and such things are not meant.

'*Cheating*'—dishonesty; an unclean heart; saying one thing, doing another and thinking of a third.—(67)

VERSE LXVIII

THE KILLING OF AN ASS, OF A HORSE, OF A CAMEL, OF A DEER, OF AN ELEPHANT, OF A GOAT, OF A SHEEP, OF FISH, OF A SNAKE, AND OF A BUFFALO SHOULD BE REGARDED AS DEGRADING THE MAN TO THE RANK OF A 'MIXED CASTE.'—(68)

Bhāṣya.

'*Deer*'—stands for such wilder varieties as the '*Ruru*,' the '*Pṛṣata*' and the like.

'*Ibha*'—is *elephant*. Though the elephant also is a kind of '*mṛga*,' yet it has been mentioned separately as being among tame animals.

'*Mīna*'—fish.

'*Ahi*'—snake.—(68)

VERSE LXIX

ACCEPTING GIFTS FROM DESPICABLE PERSONS, TRADING, SERVING *Shūdras* AND THE TELLING OF A LIE SHOULD BE REGARDED AS RENDERING ONE UNWORTHY OF RECEIVING GIFTS.—(69)

Bhāṣya.

'*Despicable*';—those from whom gifts should not be received,—such as Shūdras and sinners; the frequent acceptance of gifts from such men; a single acceptance is not forbidden.—(69)

VERSE LXX

THE KILLING OF INSECTS, WORMS AND BIRDS,—THE EATING OF THINGS TOUCHED BY WINE,—THE STEALING OF FRUITS, FUEL OR FLOWERS—AND INCONSTANCY—ARE CONDUCIVE TO IMPURITY.—(70)

Bhāṣya.

'*Insects*'—small beings living underground.

'*Worms*'—the same, with better-formed bodies, winged as well as unwinged; *e.g.*, flies, locusts and so forth.

'*Birds*'—winged animals; *e.g.*, the parrot, the '*Sārikā*' and so forth.

'*Touched by wine*'—that which has been in contact with wine and has imbibed its flavour.

'*Inconstancy*'—want of firmness of mind; being perturbed on the slightest occasion.—(70)

SECTION (7)—SPECIAL EXPIATION FOR SPECIAL OFFENCES: (a) FOR KILLING A BRAHMANA

VERSE LXXI

LEARN PROPERLY NOW THOSE PENANCES BY WHICH ALL THESE OFFENCES, SEVERALLY DESCRIBED, BECOME EXPIATED.—(71)

Bhāṣya.

The occasions for expiation have been described. Each of them has been given a distinct name for the purpose of pointing out the expiatory rite suitable to each.

This verse puts in brief what is going to be expounded. —(71)

VERSE LXXII

THE *Brāhmaṇa*-SLAYER SHALL, FOR HIS PURIFICATION, BUILD A HUT IN THE FOREST, LIVE THERE FOR TWELVE YEARS, SUBSISTING ON ALMS; MAKING FOR HIMSELF A FLAG CONSISTING OF THE HEAD OF THE DEAD MAN.—(72)

Bhāṣya.

'*Hut*'—a house built of grass and leaves, capable of resisting rain, heat and cold.

'*Samāḥ*'—years.

'*Subsisting on alms.*'—Another Smṛti text lays down that these alms shall be obtained from twelve houses, not in close proximity to one another.

'*The head of the dead man.*'—Either the head of the man killed by him, or a wooden or some other image of the head, shall be held aloft. Such is the explanation given by some people.

But men knowing the right meaning of words do not accept this explanation as this is not what is meant by the term '*shavashiraḥ.*'

Other rules to be observed by the man are going to be described under 78.—(72)

VERSE LXXIII

OR, BY HIS OWN WILL, HE SHOULD BECOME THE TARGET OF ARMED MEN COGNISANT (OF HIS PURPOSE); OR HE MAY THRICE THROW HIMSELF HEADLONG INTO BLAZING FIRE.—(73)

Bhāṣya.

He should offer himself as the target, when archers are practising. Or, he may invite, in battle, the strokes of the weapons of the armed men.

'*By his own will.*'—This shows that if he happens to go to the place and be struck dead only by chance,—this would not purify him.

'*Cognisant*'—who knows that the man is exposing himself as an expiation. Or, it may mean that they should be well-versed in the Science of Archery.

'*He may throw himself into fire, thrice.*'—Rising, he should throw himself again and again, three times.—(73)

VERSE LXXIV

OR, HE MAY OFFER THE *Ashvamēdha*, OR THE SVAJIT—THE GOSAVA, OR THE ABHIJIT—VISHVAJIT, OR THE TRIPLE *Agniṣṭut*.—(74)

Bhāṣya.

It is only the lord of a kingdom that is entitled to the performance of a Horse-sacrifice; as the sacrificial fee prescribed in that connection is such gold and other metals as have been won from the Eastern and other quarters.

Those persons who have not performed the Fire-laying rite are not entitled to the performance of any sacrifice. Nor would they be justified in laying the Fires for the purpose of these sacrifices only ; because the rites for the purposes of expiation are to be done only along with their own accessory details, and 'Fire-laying' does not form the accessory of any of these sacrifices.—(74)

VERSE LXXV

OR, FOR THE PURPOSE OF EXPIATING *Brāhmaṇa*-SLAYING, HE SHALL WALK EIGHT HUNDRED MILES, RECITING ONE OF THE VEDAS, EATING LITTLE AND CONTROLLING HIS SENSES.—(75)

Bhāṣya.

'*Eating little*'—*i.e.*, just enough to satisfy his hunger.

'*Controlling his senses*'—*i.e.*, leading a celibate life and not hankering after sensual objects.—(75)

VERSE LXXVI

HE SHALL MAKE OVER TO A *Brāhmaṇa* LEARNED IN THE VEDA, HIS ENTIRE PROPERTY, WHICH SHOULD BE WEALTH SUFFICIENT FOR HIS MAINTENANCE,—OR A HOUSE ALONG WITH THE FURNITURE.—(76)

Bhāṣya.

He shall give away everything that he may be possessed of, in the shape of gold, cattle and the like.

The author adds a declamatory qualification—'wealth sufficient *for his maintenance*':—That is the giving of the property would be equal to making a gift to him of his life.

'*Or, a house along with the furniture.*'—'*Furniture*' includes all such household accessories as butter, oil, grains, pots and pans, metals, beds, seats and so forth.—(76)

VERSE LXXVII

OR, SUBSISTING ON 'SACRIFICIAL FOOD,' HE MAY WALK ALONG EACH STREAM OF THE *Sarasvatī*; OR WITH FOOD RESTRAINED, HE MAY THRICE RECITE THE TEXT OF THE VEDA.—(77)

Bhāṣya.

'*Sacrificial food.*'—Food fit for ascetics; such as *Nīvara* and other corns; also such village-produce as butter, milk and such things.

'*Along each stream.*'—Of the Sarasvatī river there are several branch-streams; and along each one of these he should walk.

'*With food restrained*'—desisting from food.

'*Text of the Veda*'—consisting of the 'mantra' and 'Brāhmaṇa' portions. This he shall repeat thrice.

With regard to these Expiatory Rites, the following is the final conclusion:—(*A*) In the case of one intentionally killing a common Brāhmaṇa, the 'twelve-year-long penance' is an alternative to 'becoming the target of armed men.' The 'twelve-year-old penance' does not end in death; yet, if in the interval the man dies off by chance, the expiation would have been only half-done, and hence the purification not being complete, the guilt would not cease;—in the case of the other alternative, on the other hand, the man becomes freed from sin then and there; and it would be by sheer chance that the man, struck with arrows, would not die. Hence, in any particular case, the one or the other alternative expiation might be prescribed, in accordance with one's wish.—(*B*) As regards 'falling into Fire,' this should be done only in cases where the individual Brāhmaṇa killed was endowed with Vedic learning and such other superior qualities; and this 'falling' should be in the sacrificial fire. They have a saying on this point.—'For the Brāhmaṇa-slayer there are three conditions:—(1) dying, (2) cutting off of limbs with weapons, and (3) consignment to the

Sacrificial fire.' There can be no duplication in the case of those penances that end in death; as, during a single life, no one can die twice. Hence, where such duplication is necessary, it should be secured by making the man suffer additional torture. In the case of the 'Twelve-year Penance,' no such duplication would be right; for what man is there who would be possessed of the energy of the gods, which would enable him to perform a rite for twenty-four years? Specially as, if at the end of a certain year, the man were to die off, the entire expiation would become frustrated.—(*C*) As regards the Horse-sacrifice (prescribed in 75), it is an optional alternative permissible for the three higher castes, only when it is possible for the person concerned to perform it.—(*D*) As regards the 'Gosava' and other sacrifices (prescribed in 75), these would be admissible only in a case where the slaying is done unintentionally and the slayer happens to be a highly qualified person.—(*E*) 'Walking eight hundred miles' is admissible in a case where the killing is done intentionally and the person killed is a common Brāhmaṇa; and so on with the rest. In 75, '*trvṛtā*' (triple) is an epithet of '*Agniṣṭutā*.' Similarly the '*Svarjit-gosava*' and the '*Abhijit-Vishvajit*' constitute two expiatory rites.—(77)

VERSE LXXVIII

HAVING SHAVED OFF, HE MAY DWELL AT THE EXTREMITY OF THE VILLAGE, OR IN A COW-PEN, OR IN A HERMITAGE UNDER A TREE,—GIVING HIMSELF UP TO DOING GOOD TO COWS AND *Brāhmaṇas*.—(78)

Bhāṣya.

This verse sets forth certain optional details regarding the 'Twelve-year Penance,'—the 'shaving' being the only additional factor laid down.

The man living under a tree in the hermitage,—this being an alternative to the 'hut' (prescribed in 73).

"How is it that this alternative was not mentioned along with the other one (in 73)?"

The older writers have explained that this has not been done, because the author desired it to be understood that all that follows after the present verse pertains to the 'Twelve-year Penance,' and it does not constitute a distinct penance. If in the course of the treatment of one subject, an entirely new subject is introduced, it becomes something wholly different; and the introducing of a wholly different subject before the one already taken up has been finished, would be highly objectionable. If the rite thus interpolated were an independent one, the only thing one could do would be to adopt in practice only one of the two.—(78)

VERSE LXXIX

He may give up his life unhesitatingly for the sake of a cow or a *Brāhmaṇa*; the protector of the cow and the *Brāhmaṇa* becomes absolved from the guilt of *Brāhmaṇa*-killing.—(79)

Bhāṣya.

If the man gives up his life in trying to save,—even though he does not succeed in saving,—he becomes absolved; while, if he succeeds in saving, then he becomes absolved, even though he may not lose his life in doing it.—(79)

VERSE LXXX

If he fights at least thrice on behalf of a *Brāhmaṇa*, or reconquers his entire property, or gives up his life for his sake,—he becomes absolved.—(80)

Bhāṣya.

'*Fights.*'—Takes up arms, or becomes wounded in the fight;—'*at least thrice.*'—He should repeat the act at least three

times. If he does the fighting, he becomes absolved, even though he might have been killed without having saved the Brāhmaṇa.

'*Reconquers his entire property.*'—If the Brāhmaṇa's property has been taken away by thieves, if he wins it back for him, he becomes absolved;—as also if he '*gives up his life*' for the sake of the Brāhmaṇa.

"*Giving up one's life in defence of the Brāhmaṇa* has been already mentioned (in the preceding verse)."

True; but what has been said in the preceding verse is that 'the man becomes purified if he rescues, by fighting or by some other physical means, (1) a cow stuck in the mire, or (2) a cow being taken away by robbers, or (3) a Brāhmaṇa, being carried away either by his enemies, or by robbers, or by a stream'; while in the present verse what is mentioned is doing all this '*for his sake*'; and what is meant is that the man becomes absolved, if when, on his property being taken away by robbers, the Brāhmaṇa becomes stupefied and proceeds to commit suicide,—or when he is fighting unaided against the robbers,—if the man comes forward and pays to him the equivalent of what he has lost, and consoles him with such words as—'do not commit suicide, I am giving you this much wealth.'—(80)

VERSE LXXXI

HE WHO REMAINS THUS FIRM IN HIS VOW, ALWAYS CHASTE AND WITH CONCENTRATED MIND, SHAKES OFF THE SIN OF *Brāhmaṇa*-SLAYING, ON THE COMPLETION OF THE TWELFTH YEAR.—(81)

Bhāṣya.

This shows that the subject of the 'Twelve-year Penance' started (in 73), ends here.

'*Firm in his vow* and *with concentrated mind,*' these two terms only serve to fill up the metre.

This verse sums up what has gone before.—(81)

VERSE LXXXII

OR, HAVING CONFESSED HIS GUILT BEFORE THE CONGREGATION OF THE GODS OF EARTH AND THE GODS OF MEN, IF HE BATHES AT THE FINAL BATH OF THE HORSE-SACRIFICE,—HE BECOMES ABSOLVED.—(82)

Bhāṣya.

This text sets forth the last alternative.

'*Having confessed his guilt,*' his offence—'before the Congregation *of the Gods of Earth*—Brāhmaṇas—'*and the Gods of men*'—Kṣattriyas;—the 'Brāhmaṇa' meant here are the *priests* officiating at a sacrifice, and the '*Kṣattriya*' for the *sacrificer*.—Having done this, '*if he bathes at the Final Bath of the Horse-sacrifice*' that has been performed,—'*he becomes absolved.*'

Some people think that, inasmuch as the treatment of the 'Twelve-year penance' has been finished, what is set forth in the present verse is a distinct alternative to it.

Others, however, hold that, inasmuch as alternatives have already been mentioned in the course of the description of the Twelve-year Penance itself, the present verse must be taken as laying down the final point of that same penance,—just in the same way as 'dying for the sake of the cow or the Brāhmaṇa' has been laid down;—this final point resembling the 'rising' either after the performance of the 'Sārasvata' sacrifice, or on reaching a water-fall.

Our view, however, is that—(1) since the former penance has already been summed up, the present one may be taken as a distinct alternative, while (2) on account of its occurring in the middle of the treatment of the former penance, it may be taken as forming part of it. So that it may be taken as both,—it being efficacious when performed along with the Twelve-year Penance, as also when performed by itself alone, according to the circumstances attending each case.—(82)

VERSE LXXXIII

THE *Brāhmaṇa* IS CALLED THE ROOT OF RIGHTEOUSNESS, AND THE *Kṣattriya* ITS TOP; HENCE ONE WHO CONFESSES HIS GUILT BEFORE THEIR CONGREGATION BECOMES PURE.—(83)

Bhāṣya.

This is a declamatory statement in support of the injunction that—'the man should confess his guilt on the occasion of the performance of the Horse-sacrifice, where Brāhmaṇas, in the shape of the Priests, and Kṣattriya, in the shape of the sacrificer, come together.'—(83)

VERSE LXXXIV

BY HIS VERY BIRTH THE *Brāhmaṇa* IS A DIVINITY EVEN FOR THE GODS, AND AN AUTHORITY FOR THE PEOPLE; AND THE VEDA ITSELF IS THE CAUSE OF THIS.—(84)

Bhāṣya.

It behoves the man liable to expiation to present himself before the Congregation or Court, and he should act in accordance with that law which may be honoured by that assembly; the present verse and the next serve to indicate the high qualifications of the assembly.

'*By his very birth the Brāhmaṇa is a divinity even for the gods,*'—and '*for the people he is an authority*'—trustworthy guide,—people reposing as much trust on his words as upon what they see with their own eyes.

'*The Veda itself is the cause of this.*'—The Brāhmaṇa is regarded as an authority on spiritual matters, only because he knows the Veda and what is contained in it.—(84)

VERSE LXXXV

IF EVEN THREE OF THEM, LEARNED IN THE VEDA, EXPOUND THE EXPIATION FOR THE OFFENCES,

THAT SHALL SUFFICE FOR THEIR PURIFICATION; AS THE WORD OF LEARNED MEN IS PURIFICATORY.—(85)

Bhāṣya.

This goes on to describe the necessity of men liable to expiation presenting themselves before the Congregation or Court; and the definition of this 'Court' is that—'the Brāhmaṇas learned in the Veda constitute the Court.'

"It is declared (under 12.110) that the 'Court should consist of *at least ten men*,' or again (12.113)—'a single person learned in the Veda.'"

The number 'ten' mentioned in the former text does not refer to the *men*; it refers to their *qualifications*; since in the verse following we find the qualifications enumerated—'knowing the three Vedas, a logician, an exegetist etc., etc.' (12.111). As regards the 'single person learned in the Veda' (12.113), —what this shows is that, even in the absence of the other qualifications—of being a logician and so forth,—if a man possesses the one qualification of *knowing the Veda*, he becomes qualified for serving on the 'Court.'

The present verse is meant to lay down the exact *number* of men constituting the 'Court.' And even though the only qualification mentioned here is 'knowledge of the Veda' yet the others—being a logician and so forth,—are also understood. As otherwise mere 'knowledge of the Veda' could not be accepted as a definition of the 'Court.' All this we shall explain later on (under XII).

"If Vedic learning is not possible without the knowledge of Logic, Exegetics and the rest, wherefore has it been said that 'even a single man *learned in the Veda* may make up the Court?'"

All that this latter declaration means is that, even in the absence of all other qualifications, *Vedic learning* alone by itself would constitute a sufficient qualification. All this we shall explain in connection with the text in question.

From all this it follows that when a man has incurred the liability to perform an expiation, he should question three men assembled together; as a single man is liable to make mistakes or become careles.

This recourse to the 'Court' must be taken even by persons who may be themselves learned; and the reason for this is that—'*the word of earned men is purificatory.*'

Nor would this make 'secret expiation' impossible. Because in that case the offence would not be known to any person; and appearing before the Court is necessary only in cases where the offence has become known. It is what has been spoken of above (22)—'By confession, by repentance etc., etc.'

This explanation, however, is not right. What the present verse refers to is the case where, in the absence of the requisite expiation not having been clearly laid down, it becomes necessary to assume the right expiation, 'on the basis of the man's capacity, and the nature of the offence' (209); and the meaning of the text is that that *assumption* is to be accepted which is made by three men.—(85)

VERSE LXXXVI

A *Brāhmaṇa* WHO, WITH CONCENTRATED MIND, FOLLOWS ANY ONE OF THESE METHODS, REMOVES, ON ACCOUNT OF HIS BEING SELF-POSSESSED, THE SIN COMMITTED BY KILLING A *Brāhmaṇa*.—(86)

Bhāṣya.

This verse serves the purpose of recapitulating all the expiatory rites laid down in connection with '*Brāhmaṇa*-Killing.'

The term '*Brāhmaṇa*' stands here for *all castes*.

'*Removes*'—destroys.

'*On account of his being self-possessed*'—*i.e.*, by reason of his being cognisant of the true nature of the Self. In

fact a man is called '*self-possessed*' when he has full faith in what is prescribed in the scriptures; this man's firm conviction is that what laid down in the scriptures can never be wrong.—(86)

VERSE LXXXVII

HAVING KILLED AN UNKNOWN EMBRYO, ONE SHOULD PERFORM THIS SAME PENANCE,—ALSO ON KILLING A *Kṣattriya* OR A VAISHYA, WHO HAS PERFORMED SACRIFICES, OR A WOMAN OF THE '*Ātreyī*' RACE.—(87)

Bhāṣya.

'*Embryo*'—belonging to the *Brāhmaṇa* caste.

The meaning of the verse is that one should not help an abortion.

'*Unknown*'—whose male or female sex is not yet ascertainable. When this has become ascertainable, the expiation shall be in accordance with the sex.

"How can there be a killing of the *embryo*, until the woman is also killed?"

Abortions are generally secured by the use of medicines and such other methods.

'*This same penance.*'—They say that, since the singular number is used here, it is the 'Twelve-year Penance' that is meant here; specially as this is what has been spoken of in closest proximity to the present text.

Others, however, have held that the term '*this same*' refers to the means of purification in general; hence it stands for all the expiatory rites that have been laid down in connection with 'Brāhmaṇa-killing.'

'*A Kṣattriya or a Vaishya who has performed sacrifices*—*i.e.*, who is engaged in a sacrificial performance; —no significance attaching to the past tense (in '*ijānau*'); as in another *Smṛti* text we read—'The Kṣattriya and the

Vaishya seated at the Extraction of Soma'; from which it would seem that the rule here laid down refers to the persons who have started the drinking of Soma, and not to those engaged in the performance of the *Darshapūrṇamāsa* and other sacrifices. But the clear implication of the Vedic text is that it applies to persons engaged in any sort of sacrificial performance;—the actual text being 'it is only when one has become a *Brāhmaṇa* that he engages *in a sacrifice*' [where no particular sacrifice is specified].

'*A woman of the Ātrēyī race.*'—Woman born in the race of Atri. The caste of the man and the woman being the same, what is prescribed in connection with the killing of 'a Brāhmaṇa' should apply equally to the case of the male and the female; hence the mention of 'the woman of the Ātrēyī race' clearly excludes women of the other races; which means that the killing of these other women of other Brāhmaṇa races, would be only a 'minor offence,' mentioned above as 'the killing of a woman of a Vaishya or a Kṣattriya' (66). What has been spoken of as 'the killing of a woman or of a friend etc., etc.,' refers to women of all the four castes. The upshot of all this is—that in the case of the killing of a Brāhmaṇa woman, there are two optional alternatives—the expiation laid down for 'heinous offences' and that prescribed for a 'minor offence'; which one of the two is to be adopted being determined by the qualifications of the husband or of the woman herself,—as also by the intentional or unintentional character of the crime. For instance, (*a*) even in the case of a woman of another caste, if she has a child still at her breast, the expiation shall be of the heavier kind, in consideration of the fact, that it would be difficult for the child to live after the mother's death;—(*b*) in the case of the Brāhmaṇa woman who, faultless herself, has become an object of hatred to her husband, and is killed by a man because, on being approached by him, she preserves her chastity and does not accede to his proposal,—the expiation

shall be of the heavier kind;—as also (*c*) in the case of recklessly killing a friend's wife. In other cases on the other hand, ordinary expiation according to Verse 66 would be applicable.

In the case of the woman of the '*Ātrēyī*' *race*, however, there are no alternatives.

Others have explained the word '*Ātrēyī*' to mean *a woman in her courses*, on the strength of its occurring along with the term '*embryo*.' They quote the text—'*pātyatē bhrūṇahā, ātreyyāshcha hantā*'—where the term '*bhrūṇahā*' means 'the slayer of a Brāhmaṇa.' Under this explanation also the *woman in her courses* referred to must be a *Brāhmaṇa*. She is called '*Ātrēyi*' in consideration of the fact that she is sure to carry a child in her womb. Though the use of the nominal affix found in the term '*Ātrēyī*' is nowhere laid down in the sense here attributed to it, yet the said denotation may be accepted on the strength of usage.—(87)

VERSE LXXXVIII

Similarly also for telling a lie in giving evidence, for angering the preceptor, for misappropriating a trust, and for killing one's wife or friend.—(88)

Bhāṣya.

The expiation here laid down pertains to giving false evidence in connection with gold, land and such things, or in cases of doubt regarding a murder. The guilt in these cases is very much heavier; and in regard to other expiations laid down elsewhere, the adoption of one or the other should be determined in accordance with the gravity or otherwise of the case.

'*Angering*.'—This is the same as what has been spoken of as 'falsely harassing' under 56 above; as 'harassment' is always preceded by 'angering.'

'*Trust*.'—In this case also the exact nature of the expiation shall depend upon such considerations as to whether the

trust-property belongs to a poor or to a rich person, to a low person or to a Brāhmaṇa, or to some other person of high position. In a case where only one expiation is mentioned, it can be one only; and there can be no occasion for any assumptions. In fact, in connection with giving false evidence and 'misappropriating a trust' there are no varying grades of expiation.

What is prescribed in connection with 'wine-drinking' is certainly somewhat heavier; but every case is to be determined in accordance with 'the capacity etc.,' of the guilty person (11.209); though these considerations have been laid down only as affecting those offences 'for the expiation whereof no atonement has been prescribed' (209).—(88)

VERSE LXXXIX

ALL THIS EXPIATION HAS BEEN LAID DOWN FOR KILLING A *Brāhmaṇa* UNINTENTIONALLY; FOR KILLING A *Brāhmaṇa* INTENTIONALLY NO ATONEMENT HAS BEEN ORDAINED.—(89)

Bhāṣya.

'*Killed*'—murdered.

This verse has been already explained above as meant to indicate that the expiation for *intentional* '*Brāhmaṇa*-killing' should be very heavy.—(89)

———

SECTION (8)—EXPIATION OF DRINKING WINE

VERSE XC

A TWICE-BORN PERSON, HAVING, THROUGH FOLLY, DRUNK WINE, SHALL DRINK WINE RED-HOT; HE BECOMES FREED FROM HIS GUILT, WHEN HIS BODY HAS BEEN COMPLETELY BURNT BY IT.—(90)

Bhāṣya.

Though the text speaks of '*twice-born men*,' yet what is said here is meant for the Brāhmaṇa only; says another Smṛti text—'Hot wine should be poured on the Brāhmaṇa' (*Gautama*, 23. 1).

'*Through folly*'—this is only explanatory.

'*Red hot*.'—Though the text uses the word '*varṇa*' *colour*, yet it is mere *heat* that is meant; as is clear from what follows, about '*the body being burnt*.'—(90)

VERSE XCI

OR, HE MAY DRINK RED-HOT COW'S URINE, OR WATER, OR MILK, OR BUTTER, OR LIQUID COW-DUNG, UNTIL HE DIES.—(91)

Bhāṣya.

In the case of any one of these expiations, the epithet 'red-hot' is to be applied.

The cow's urine and other substances have been specified with a view to preclude dying by any other means.

In the present case, the 'wine' should be understood as standing for that liquor which is obtained from grains;

as it is this liquor to which the term 'wine' is held to be directly applicable; its application to other liquors being indirect.

What is said here is applicable to cases of *intentional* wine-drinking; as it is going to be declared later on (11.146)—"If one drinks wine unintentionally, he becomes purified by going through the sacramental rites.'

'*Agnivarṇa*,' '*red-hot*,' means that it should be *as hot as fire*; as is clear from the phrase '*until he dies*.'

Wine is forbidden for women also. It has been declared in the work of Vashiṣṭha that—'If a Brāhmaṇa woman drinks wine, the gods do not permit her to go to the regions where her husband has gone; she roams about in this world, and after all her merit has been exhausted, she becomes an amphibious animal.'—(91)

VERSE XCII

OR, FOR THE EXPIATION OF THE GUILT OF WINE-DRINKING, HE MAY, FOR ONE YEAR, EAT ONLY ONCE AT NIGHT EITHER PIECES OF GRAIN OR OIL-CAKE, CLOTHED IN HAIR-CLOLH, WITH HIS HAIR MATTED, AND CARRYING A SIGN.—(92)

Bhāṣya.

This expiation is meant for those cases where wine is taken as medicine when life is in actual danger;—though wine-drinking in such circumstances has been permitted by certain texts.

In connection with the case where wine has been drunk unintentionally, it is going to be laid down that the man should pass through the sacramental rites over again, and also perform the '*Taptakṛchchhra*' penance.

Others take this verse to apply to the case of the drinking of the '*Gauḍī*' and '*Mādhvī*' liquors; as another *Smṛti* text has declared that—'For drinking wine other than that got from grains, one should perform the *Chāndrāyaṇa* penance.'

'*Once.*'—This applies both to 'pieces of grain' and 'oil-cake';—'*at night.*'

'*Hair-cloth*'—cloth made of the hair of the cow or the goat.

'*With his hair matted*'—only at the top—or over the whole head.

'*With a sign*'—such as a keg of wine and so forth. —(92)

VERSE XCIII

WINE INDEED IS THE DIRTY REFUSE OF GRAINS, AND SIN ALSO IS CALLED 'DIRT'; FOR THIS REASON THE *Brāhmaṇa*, THE *Kṣattriya* AND THE *Vaishya* SHALL NOT DRINK WINE.—(93)

Bhāṣya.

Though the term '*anna*' denotes literally '*what is eaten,*' *food*, yet it is more commonly applied to the *Vrīhi* and other *grains*, as also to cooked rice, fried flour, cakes and so forth. It is on this basis that Pāṇini (2. 1. 34) has made a distinction between '*anna*' and '*vyañjana.*'

Thus then, inasmuch as wine is obtained from grains, it becomes liable to be spoken of as '*anna,*' '*grain,*' and it comes to be spoken of as '*the dirty refuse of grains.*' This description of wine is indicative of the fact that its use is forbidden. And this indication applies to all the three higher castes:—that the wine extracted from grains should not be drunk by the Brāhmaṇa, the Kṣattriya or the Vaishya. Then again it is this wine extracted from grains to which the name is applicable more directly than to the other two varieties, the *Gauḍī* and the *Mādhvī.* Further, the expiation in the case of other distilled liquors is not so heavy as in the case of the *Sīdhu* (*i.e.*, the *Gauḍī*) and the *Mādhvī.*

'*Sin also is called dirt,*'—this has been added with a view to indicate that wine is a most despicable thing.

Though the subject-matter of the present context is Expiation, yet the Syntactical Indication of the present verse clearly points to the *prohibition* of wine. And since it is a distinct sentence, it cannot be regarded as a mere declamation.—(93)

VERSE XCIV

WINE SHOULD BE UNDERSTOOD TO BE OF THREE KINDS: (*a*) DISTILLED FROM MOLASSES (*Gauḍī*), (*b*) DISTILLED FROM GRAINS ('*Paiṣṭī*'), AND (*c*) 'DISTILLED FROM GRAPES' (*Mādhvī*); AS THE ONE SO ALL THE REST SHOULD NEVER BE DRUNK BY THE CHIEF OF THE TWICE-BORN.—(94)

Bhāṣya.

'*Gauḍī*' is that which is distilled from '*Guḍa*,' molasses. Even according to those persons who make wine directly from fermented cane-juice itself, the article distilled is '*Gauḍī*' 'distilled from *guḍa*,' in the sense that the name of the *product*, (*guḍa*, molasses) is applied to the cause (cane-juice).

The '*Mādhvī*' is that 'distilled from *madhu*, *grape-juice* *i.e.*, in its fermented form'; for fresh grape-juice, before it has become fermented into wine, is not forbidden. This distinctly lays down that it is the *fermented* grape-juice that is called '*Mādhvī*.' Wherever the prohibition contains the word '*madya*' ('intoxicating substance'), it cannot apply to any substance which has not acquired intoxicating properties; as such a substance could not be spoken of as '*madya*,' intoxicating substance. A similar case is that of the word '*Shukta*' ('fermented gruel') which is applied to the gruel in a certain condition, and not to gruel in general. So long as the gruel has not become soured, it is not called '*Shukta*.' In the same manner again, the calf is not called a 'bull' while it is young.

Thus it is that the mixture of grain water and other things does not come to be called 'wine,' so long as it does not

imbibe intoxicating properties, by being kept over night. Similarly with cane-juice, grape-juice and other substances.

"From all this it would follow that the drinking of a small quantity of wine is permitted--that quantity of it which, if drunk, does not cause intoxication, or when this is prevented by the use of an antidote."

There is no force in this objection. The prohibition is not meant to apply to the bringing about of intoxication ; it does not mean, for instance, that 'one should act so that he does not become intoxicated or drunk' ; what the prohibition means is that 'one should not drink that which possesses the capacity to cause intoxication' ; and this capacity is present in a small quantity of wine also. The mere fact that while dry and low-spirited wine inebriates even when drunk in small quantities, that which is soft and high-spirited does not do so even when drunk in large quantities,—does not prove that there is no intoxicating power in the latter. Mere absence of effects does not necessarily prove the absence of the cause. For instance, because a certain quantity of fire is unable to burn a large piece of wood, that does not prove that the fire does not possess the power to burn; specially when it is found that it is quite capable of burning dry grass.

It has been argued that—"it would seem that the drinking of wine is permitted if its intoxicating properties are counteracted by an antidote."

But there is no force in this objection either. For even though the fire may not burn a heap of grass when it is wet, it does not mean that it does not possess the power to burn ; all that it indicates is that though the power is there, it is unable to produce its effect. But so long as the power is there, the chance of the effect being produced is always there.

Then again, no other substance could deprive the wine of its inherent power of intoxicating ; all that it can do is to prevent the effects from appearing. Thus it is that a man of bilious temperament becomes intoxicated by the use of even a

small quantity of wine, another man of phlegmatic temperament is not so easily intoxicated. From all this it is clear that the power is not destroyed in either case.

Thus then the prohibition cannot apply to the substance which is yet to acquire the intoxicating power. Nor can it be regarded as forbidden simply because there is prohibition of it as possessing certain definite characteristics. For instance, in the case of the assertion—'the thief should be avoided' (it is not meant that every man, even before he has committed theft, shall be avoided). It is for this reason that no prohibition applies to the gruel before it has become sour.

"How do you explain the form '*Mādhvī*'? The correct form should be '*Mādhavī*.'"

The answer to this is that rules as applied to proper names are not compulsory (*Paribhāṣā*, 95); and the authority for this consists of Pāṇini's Sūtra 3.4.146.

The use of the term '*chief of the twice-born*' has been used with a view to permit wine-drinking for the Kṣattriya and the Vaishya. For instance, the Mahābhārata describes wine as drunk by the Yadāvas and the Bhāratas:—'Both Keshava and Arjuna were found by me to be drunk with wine,'—which is a declamatory assertion pointing to the same fact.

"Why is then the plural form in '*so all*?'"

Two of them are the substances *likened* and one is that to which those are likened.

The mention of wine being the 'dirty refuse of grains' is meant to be a declamatory assertion producing a reason for what has been prescribed; just as in the case of the text '*Shūrpēṇa juhoti tena hi annam kriyatē*.'—(94)

VERSE XCV

Intoxicants, meat, wine and distilled liquors are the food of *Yakṣas, Rākṣasas* and *Pishāchas*; it should not be taken by the *Brāhmaṇa* who partakes of the offerings to the gods.—(95)

Bhāṣya.

'*Yakṣa*' and the rest are lower classes of beings, ignorant of the law relating to what should and what should not be eaten; and it is they that eat meat.

The compound '*Surāsavam*,' is a copulative one, *i.e.*, in accordance with Pāṇini 2.4.6.

'*Distilled liquor*' also is a kind of '*intoxicant*,' there being a slight difference between the two. The two are mentioned on the analogy of such expressions as 'the ox and the bull.'

'*Who partake of the offering to the gods*.'—The cake, rice and such substance offered to the gods are called '*offerings*'; as mentioned in connection with the *Darsha-pūrṇamāsa* and other sacrifices. It is these that it is right and proper for the Brāhmaṇa to eat, and not wine and meat, which are the food of the lower spirits.—(95)

VERSE XCVI

A *Brāhmaṇa*, STUPEFIED BY DRUNKENNESS, MIGHT TUMBLE DOWN UPON UNCLEAN THINGS; OR HE MIGHT WRONGLY RECITE THE VEDA; OR HE MIGHT DO SOME OTHER IMPROPER ACT.—(96)

Bhāṣya.

'*Tumbling on unclean things*' is purely declamatory, like the mention of 'the eating of the food of the gods.'

"How can the reciting of Vedic texts ever be an *improper act?*"

The answer to this is that what is meant is that 'he might do an act which is improper,' as compared to the reciting of the Veda. Further, why is it impossible for the reciting of Veda to be 'improper?' In fact the uttering of Vedic texts has been clearly forbidden for one who is in an unclean condition.—(96)

VERSE XCVII

WHEN THE '*Brahman*' RESIDENT IN HIS BODY HAS BEEN ONCE DELUGED BY WINE, THE '*Brāhmaṇahood*' DISAPPEARS AND THE MAN BECOMES A *Shūdra*.—(97)

Bhāṣya.

When the Veda has been duly studied, it remains in the man's heart, in the form of memory; and it is the Veda thus committed to memory that is called here '*Brahman*.' The meaning thus is that when the heart has become '*deluged with wine*,' the man becomes a *Shūdra*.

'*Brāhmaṇahood*' has been mentioned with a view to indicate that all kinds of wine are forbidden for the Brāhmaṇa,—the wine distilled from grains alone being forbidden for the *Kṣattriya* and *Vaishya*.—(97)

VERSE XCVIII

THUS HAVE BEEN DESCRIBED THE VARIOUS EXPIATIONS FOR WINE-DRINKING; AFTER THIS I AM GOING TO EXPOUND THE EXPIATION FOR THE THEFT OF GOLD.—(98)

Bhāṣya.

The purpose of the two halves of the verse is as is clearly stated here.—(98)

SECTION (9)—EXPIATION FOR STEALING GOLD

VERSE XCIX

A *Brāhmaṇa* WHO HAS COMMITTED THE THEFT OF GOLD SHALL GO TO THE KING, AND CONFESSING HIS CRIME, SHALL SAY 'SIRE, PUNISH ME.'—(99)

Bhāṣya.

This is the expiation for stealing gold belonging to a Brāhmaṇa.

The term '*brāhmaṇa*' is meant to include all castes; as is clear from the fact that no other expiation has been prescribed for the Kṣattriya and other castes.

'*Punish me.*'—'Inflict the proper punishment on me.' The man shall go to the King and tell him this.

The word '*King*' here stands for the Sovereign of the country,—but one who is of the Kṣattriya caste.—(99)

VERSE C

TAKING UP A CLUB, THE KING HIMSELF SHALL STRIKE HIM ONCE. THE THIEF BECOMES PURIFIED BY DEATH; BUT THE *Brāhmaṇa* BY PENANCE ALONE.—(100)

Bhāṣya.

'*Club*'—a particular kind of stick, made of iron or wood.

'*Once*,' '*himself*'—both of these are meant to be emphasised.

'*Becomes purified by death.*'—The man shall be struck only; it does not matter whether or not he dies by it; he becomes purified by the stroke of the club.

'*The Brāhmaṇa by penance*'—as described below. Here also stress is not meant to be laid upon the term '*Brāhmaṇa.*' It is for this reason that the next verse contains the term '*twice-born person*' (in general).

Though the stealing of *Kṛsṇala* (grains of gold, used at certain sacrifices) is a serious crime, yet, what is here laid down should be understood as pertaining to the stealing of a hundred gold-pieces. It has been explained that *punishment* and *expiation* proceed on the same lines; and, in connection with punishments, it has been said that '*death* shall be the penalty when *more than a hundred* gold-pieces have been stolen' (8.321); hence the expiation here put forward should also be taken as pertaining to the stealing of the same quantity.

As regards the assertion that the thief becomes pure by death, it is understood to be based upon the passage—'For him the King shall take up a weapon made of Udumbara wood, and kill him with it, and he becomes pure by that death.' And this refers to a case where the stealer is a Kṣattriya or one lower still, and the owner is a highly qualified person.

When, however, the man is prepared to die, he may be made to refund what he has stolen and smeared with butter, live upon cow-dung (?).—(100)

VERSE CI

IF A TWICE-BORN PERSON IS DESIROUS OF REMOVING THE GUILT OF STEALING GOLD BY MEANS OF PENANCE, HE SHOULD PERFORM THE PENANCE PRESCRIBED FOR THE SLAYER OF A *Brāhmaṇa*,—LIVING IN A FOREST, CLOTHED IN RAGS.—(101)

Bhāṣya.

This only refers to the 'Twelve-year Penance,' and not to any other of the several expiations prescribed for the slayer

of a Brāhmaṇa;—the construction being—'He shall perform that penance which has been prescribed for the slayer of a Brāhmaṇa.'

'*Who desires to remove*'—anxious to wipe off; desirous of purification.—(101)

VERSE CII

THE TWICE-BORN MAN SHALL REMOVE THE GUILT CAUSED BY THEFT BY MEANS OF THESE PENANCES. THAT CAUSED BY INTERCOURSE WITH THE PRECEPTOR'S WIFE HE SHALL WIPE OFF BY MEANS OF THESE FOLLOWING PENANCES.—(102)

Bhāṣya.

"Inasmuch as only two modes of purification have been mentioned above—'the thief becomes purified by death, and also by penance,'—the plural number in 'these *penances*,' does not appear to be right."

This same use of the plural number is indicative of the fact that there are other expiations also, which have not been mentioned,—to be determined by the considerations of the circumstances attending each case.

'*Gurustrīgamanīyam*' means that of which *intercourse with the Preceptors's wife is the incentive*;—*the cause* is often regarded as the *prayojana*, the *incentive*, which *prompts* or *brings about* the effect.—(102)

———

SECTION (10)—EXPIATION FOR THE VIOLATING OF THE PRECEPTOR'S BED

VERSE CIII

He who has violated his Preceptor's bed shall confess his crime and lie down upon a heated iron-bed; or embrace a blazing image. By death he becomes purified.—(103)

Bhāṣya.

'*He who has violated his preceptor's bed.*'—Another reading his '*Gurutalpī*';—the term '*talpī*' ending in the possessive affix, stands for a particular form of intercourse between man and woman.

By '*preceptor*,' here is meant the Preceptor as well as the Father. And '*bed*' stands for the *wife.*

The expiation here laid down is for intercourse with the wife of one's preceptor, or with a step-mother of the same caste; and the three expiations here set forth refer to a case where the act has been intentional.

'*Confess his guilt*'—proclaim his crime.

He shall lie down upon a bed of iron as hot as fire; that this is what is meant is clear by the next sentence—'*He becomes purified by death.*'

'*Sūrmi*' is image of a woman, made of iron. This he shall embrace.—(103)

VERSE CIV

Or, having cut off his penis and testicles, he shall take them in his joined hands and walk straight on towards the 'region of evil spirits,' until he falls down.—(104)

Bhāṣya.

The 'cutting off' here mentioned is conducive to purification. The use of a cutting instrument is implied by the fact that every act needs the requisite implements; so that the weapon implied must be one that is fit to be used for the required *cutting.*

The South-west is the '*region of evil spirits.*'

'*Straight on,*'—not deviating from the straight line; so that he may not seek to avoid wells or pits and such things; but in the case of walls and such obstacles, he should certainly go round them.—(104)

VERSE CV

OR, CARRYING A BEDSTEAD, CLOTHED IN RAGS, WITH BEARD GROWN, HE SHALL PERFORM, IN THE SOLITARY FOREST, THE '*Prājāpatya*' PENANCE, FOR ONE YEAR, WITH CONCENTRATED MIND.—(105)

Bhāṣya.

This expiation refers to a case where the crime has been committed unintentionally, under the misapprehension that the woman was the man's own wife;—or when the crime is intentional, and the woman belongs to a different caste.

'*Rags,*' '*chīra,*'—pieces of cloth.

'*With beard grown*'—letting his beard grow.

Even in a case where the woman is of the same caste, if she is an unchaste woman, the expiation shall be a light one.—(105)

VERSE CVI

OR, WITH HIS SENSES CONTROLLED, HE SHALL PERFORM THE '*Chāndrāyaṇa*' FOR THREE MONTHS, SUBSISTING ON 'SACRIFICIAL FOOD' OR ON BARLEY-GRUEL,—FOR THE EXPIATING OF THE SIN OF VIOLATING THE PRECEPTOR'S BED.—(106)

Bhāṣya.

This expiation refers to those cases where the woman happens to be the wife of the maternal uncle or such other persons as are generally treated as '*guru*,' 'preceptor.'

'*Sacrificial food*'—milk, roots, butter and so forth.

'*Barley-gruel*'—a particular kind of drink.—(106)

VERSE CVII

BY MEANS OF THESE PENANCES, THE COMMITTERS OF HEINOUS CRIMES MAY WIPE OFF THEIR SINS. THE COMMITTERS OF MINOR OFFENCES MAY DO THE SAME BY THEIR FOLLOWING THE SEVERAL FORMS OF PENANCES.—(107)

Bhāṣya.

This summarises what has been said before and what is going to be said next.—(107)

SECTION (11)—EXPIATION OF "MINOR OFFENCES": COW-KILLING

VERSE CVIII

The cow-killer, charged with a minor offence, shall drink barley for three months; and having shaved his head and covered with the skin of the cow, he shall live in the cow-pen.—(108)

Bhāṣya.

'*Cow-killer*'—one who has killed a cow; the word being formed with the '*Ka*' affix.

'*Shall drink barley.*'—Some people explain this to mean a drink mixed with barley. Others, however, hold that the name of the original substance (barley) has been used in the sense of its product; hence what is meant is that the man shall drink *barley-gruel.*

In the case of the former explanation, it is necessary to assume the addition of water or some liquid substance, without its being mentioned in the text; as mere barley-grains cannot be drunk, until they are mixed up with a liquid substance.

In the second explanation, however, all that is necessary is to take the word 'barley' in a figurative sense; and certainly, a figurative or indirect signification is much simpler than the assumption of what is not mentioned at all.

'*Having shaved his head*'—with his hair shaved off; or it may simply mean *with his hairs cut.*

'*Cow-pen*'—the place where cows sit and rest.

'*Covered with the skin of the cow*'—not necessarily of the cow that has been killed; it may be of another cow also.—(108)

VERSE CIX

For two months, with senses controlled, he shall eat a limited quantity of food, without any pungent salt, at the fourth meal-time; and shall bathe in cow's urine.—(109)

Bhāṣya.

'*For two months*'—he shall take his food once and then again only in the evening of the next day.

If we take the term '*Kṣāra*'—'*pungent*'—as a qualification of '*lavaṇa*,' 'salt,' we secure the prohibition of the rock-salt also. If the two terms were independent, the compound would be a copulative one, and this would mean the prohibition of 'pungent substances' also; and in that case it would be necessary to take the *singular* number as indirectly indicating the *dual*; as we have the copulative compound only, both the components are equally important at one and the same time. When however, the compound is taken as a 'qualitative' one ('pungent' being a qualification of the 'salt'), we obtain a qualified denotation.

'*Limited*'—small; *i.e.*, that which, without producing full satisfaction, is enough to keep the body going.

'*Bathing in cow's urine*' is to be done three times a day.

'*At the fourth meal-time*' is to be construed with '*for two months*.'

In another Smṛti we read—'Having shaved his head, covered with the skin, he shall live in the cow-pen; and bathing in cow's urine for two months has been prescribed for him; it is only the washing of the feet that he should do with water.' In this it is not possible to connect the *bathing in cow's urine* with the phrase '*for two months*.' The mention of the *feet* is only for the purpose of filling up the metre; for, if any impurity happens to attach to the man's feet during the time that he is bathing, it would naturally be washed with

water only; as is clearly laid down by the rules of purification. Hence at the time of bathing, the rinsing of the mouth also should be done with water; at other times purification may be secured by the use of clay and other cleansing substances; and this would have to be done in the natural order—water being used after clay has been applied. And since cow's urine has been prescribed for *bathing* only, what possibility would there be of its being used for the rinsing of the mouth or any such purpose? In connection with bathing, it is only as an expiation that the use of cow's urine has been prescribed.—(109)

VERSE CX

DURING THE DAY HE SHALL FOLLOW THOSE COWS, AND STANDING UPRIGHT, INHALE THE DUST; AT NIGHT HAVING ATTENDED AND BOWED TO THEM, HE SHALL REST IN THE '*Vīrāsana*' POSTURE.—(110)

When he is living in a cow-pen, he shall follow the cows that live in that pen, when they go out to graze. The use of the pronoun '*those*' implies that he should follow those cows in whose pen he is living; specially as, if he were to go after other cows, this would not mean constant 'following.'

And while going along he shall inhale the dust raised by the cows.

Having wandered about with the cows, during the day, he should return to the pen with them.

Having '*attended to them*'—served them by rubbing their bodies and removed the dust from them; and '*having bowed to them*'—kneeling, and with his head down;—'*he shall rest in the Vīrāsana posture.*' When one rests, neither on a raised platform nor on a bedstead, but simply by sitting down, it is called the '*Vīrāsana*' *posture*.—(110)

VERSE CXI

Self-controlled and free from greed, he shall stand when they stand, follow them when they move, and sit when they have sat down.—(111)

Bhāṣya.

'*He shall stand*' etc., is an Injunction.

When some cows are standing, some are walking and some are sitting, he shall do what most of them are doing.

'*Free from greed*'—coveting nothing. This is only by way of illustration; the meaning is that he shall be free from all such mental aberrations as love, hatred and the like. That this is so is shown by the epithet '*self-controlled*.'—(111)

VERSE CXII

When a cow is sick, or threatened with danger from thieves, tigers and the like, or falls, or becomes stuck in a morass, he shall rescue her with all his strength.—(112)

Bhāṣya.

'*Sick*'—suffering from a disease.

'*Threatened*'—caught up—'*by danger*' proceeding '*from thieves, tigers and the like*.'

'*Sarvaprāṇaiḥ*'—with all his strength. The word '*prāṇa*' does not always mean the *life-breath*; as we find such expressions '*alpa-prāṇa*' and '*mahāprāṇa*' in the sense of *weak* and *strong* respectively. Thus, when he is unable, by himself, to rescue her, he should bring about her rescue with the help of other men.—(112)

VERSE CXIII

In heat, in rain, in cold, or when the wind is blowing violently, he shall not shelter himself, without having sheltered the cows to the best of his ability.—(113)

Bhāṣya.

'*In heat*'—when the sun is very strong.

'*In rain*'—when the clouds are pouring down rain.

'*In cold and when the wind is blowing violently.*'

VERSE CXIV

If the cow is eating anything in his own or another's house, field or threshing-yard,—or when her calf is drinking (her milk),—he shall not say anything.—(114)

Bhāṣya.

He shall not prevent the cow from eating anything in the shape of corns, etc.; nor shall he tell anyone else with a view to lead him to prevent her. If, however, he ties her up for fear of danger that might befall her otherwise,—or after she has become satisfied,—there is no harm; it is, on the contrary, a favour.

Similarly he shall not prevent her calf from drinking her milk.—(114)

VERSES CXV-CXVI

The cow-killer, who attends upon cows in this manner, wipes off, in three months, the sin accruing from the killing of a cow—(115); and after having duly performed the penance, he shall give away cows with a bull as the eleventh; in the event of these being not available, he shall offer all he possesses to persons learned in the Veda.—(116)

Bhāṣya.

He shall give ten cows and one bull.

He shall perform all the four penances, if he is capable of doing so.

If the said property is not available, he may give away all that he possesses, even if this be less than the prescribed gift.

'*To persons learned in the Veda*';—*i.e.*, to several persons, not to one or two only. In fact, this term itself has been added only with a view to lay down *plurality*; since it is only *persons learned in the Veda* who have been declared to be fit recipients for gifts.

In another *Smṛti* we read:—"If a cow happens to die through one's burning fire, carrying, tying, applying the rope-noose, or the administration of some oil or medicine,—he shall shave his whole head, perform the '*Prājāpatya*' penance, and then give away a piece of cloth."

But this is an expiation for those cases where one does these acts rather recklessly and hence his offence is due to negligence. Since we find it laid down that—(*a*) 'In tying or in medicating or in helping her in calving, if one has taken all possible care and the cow dies, there shall be no expiatory rite'; and (*b*) 'If when one has administered a medicine or oil or food to the cow or the Brāhmaṇa, and death ensues, the man does not become tainted with guilt' (*Śamvarta*).

Another text lays down an expiation lasting for a month:—"He shall drink the mixture of five products of the cow, and milk at the sixth meal-time;—and at the end he shall satisfy the Brāhmaṇas with gifts and give away sesamum and a cow."

There is yet another, lasting for a fortnight:—"He shall eat only once, fried flour, or barley-flour, or vegetables, or milk, or curds, or butter." The various articles mentioned here are so many optional alternatives, as we shall explain later on; but the whole process is to be carried through with the same substance with which it has been begun; and one shall not eat fried flour

on one day and barley-flour on the other. For instance, even though '*Vrīhi*' and '*Yava*' have been laid down as optional alternatives, yet, when once a performance has been begun with *Vrīhi*, if it happens to run short in the middle, *Yava* is used, only as a substitute; and it is with a substitute that the rite is regarded as having been completed; in view of this deficiency in the performance, the giving away of a cow has been prescribed. Thus then, in the case in question also, the penances are as described, and if any other optional alternative is adopted, a cow with calf should be given.

It has been asserted in Gautama's work—'*Gām vaishyavat*' (22.18) [which means that for killing a cow, one should perform the Three-year-Penance and give away ten cows and a bull]; and this rule of Gautama's pertains to the case where a Vedic scholar, learned in sacrificial rituals and an *Agṇihotrin* kills a milch cow with a young calf, belonging to a poor man. This same penance is to be done in its 'one year' form if the cow dies by chance, when the man, finding her in a field or a garden eating corns, runs after her with a view to prevent it, taking due care not to harm her. It is to be the 'Three-year-Penance' in the case of the intentional killing of a dry and old cow belonging to one who is not a Vedic scholar. And the '*Prājāpatya*' penance is to be performed in the case of the unintentional killing of a cow devoid of all good points and belonging to an owner devoid of all qualities; and in the case of the killing of a similar cow intentionally, it is to be the 'Three-year-Penance.'—(115-116)

VERSE CXVII

TWICE-BORN MEN WHO HAVE COMMITTED THE MINOR OFFENCES, EXCEPT THE 'IMMORAL' RELIGIOUS STUDENT, MAY, IN ORDER TO PURIFY THEMSELVES, PERFORM THIS SAME PENANCE, OR THE '*Chāndrāyaṇa*' PENANCE.—(117)

Bhāṣya.

'*This same*':—this means that the expiatory rites laid down for *cow-killing* are applicable to all 'minor offences.' And the '*Chāndrāyaṇa*' is another optional alternative.

Inasmuch as this latter rule has been laid down with special reference to the *other* '*minor offences*,' some people hold that the '*Chāndrāyaṇa*' does not apply to the case of the cow-killer.

But according to this view, it will be necessary to find out why the *cow-killer* has been mentioned at all among 'those who have committed *minor offences*.'—(117)

SECTION (12)—EXPIATION FOR THE IMMORAL RELIGIOUS STUDENT

VERSE CXVIII

THE IMMORAL RELIGIOUS STUDENT SHALL OFFER, AT NIGHT, TO *Nirṛti*, ON THE CROSSWAY, A ONE-EYED ASS, IN THE MANNER OF THE '*Pākayajña*.'—(118)

Bhāṣya.

'*Avakīrṇa*' means the breaking, by the Religious Student, of the vow of celibacy,—*i.e.*, sexual intercourse, an 'immorality'; one who has done this is '*avakīrṇī*,' 'the immoral religious student.'

This is going to be described (under 120) as—'the intentional emission of semen.'

'*One-eyed ass.*'—This lays down the material to be used at the sacrifice, along with its qualification.

'*On the cross-way.*'—This lays down the place of the sacrifice.

'*At night.*'—This lays down the time of the sacrifice.

'*To Nirṛti.*'—This lays down the deity of the sacrifice.

'*In the manner of the Pākayajña.*'—This prescribes the procedure to be adopted at the sacrifice.

"As a matter of fact all *animal-sacrifices* have for their archetype the *Agniṣṭoma*; as is clear from the fact that they can only be accomplished by means of the animal-sacrifices at this latter sacrifice—[so that the said sacrifice of the ass must follow the procedure of the Agniṣṭoma, and not of the Pākayajña.]"

True; but the same Agniṣṭoma is the archetype of the 'Pākayajña' also; and it can be performed only when the agent is prompted by the desire for those rewards that follow

from that sacrifice. Then again, it has been declared that 'the animal also *flows*, and milk also flows' [so that there is a distinct similarity between the Animal Sacrifice and the Pākayajña offerings of milk].

'*Pākayajña*'—is a name applied to the *Darshapūrṇamāsa* and other similar sacrifices.—(118)

VERSE CXIX

HAVING, IN DUE FORM, POURED OBLATIONS INTO THE FIRE, HE SHALL FINALLY POUR OBLATIONS OF CLARIFIED BUTTER TO *Vāta, Indra*, GURU AND VAHNI, WITH THE VERSE 'SAM, ETC.'—(119)

Bhāṣya.

The 'oblations into Fire' are those spoken of in the texts '*Hṛdayasyāgrē*, etc.'

'*Finally*'—after the oblations have been finished,—he shall offer oblations to the Maruts, to Indra, to Bṛhaspati and to Agni, with the verse '*Samāsiñchantu marutaḥ samindraḥ sambṛhaspatiḥ sañchāyamagniḥ siñchatu prajayā cha dhanēa cha.*' (Atharva-Veda Samhitā, 7.33.1).

Since the precise 'deities' of sacrifices are always those indicated by the words of the *mantras* used at them, the words '*vāta*' and '*guru*' of the text should be taken as standing for 'Maruts' and 'Bṛhaspati' respectively. Hence when the offerings are actually made, the words pronounced should be '*Marudbhyaḥ svāhā*' and '*Bṛhaspatayē svāhā*,'—and not '*vātāya svāhā*' and '*guravē svāhā*.'—(119)

VERSE CXX

PERSONS LEARNED IN THE VEDA AND KNOWING THE LAW DECLARE THAT FOR THE TWICE-BORN PERSON KEEPING UP HIS VOWS, THE INTENTIONAL EMISSION OF SEMEN MEANS A 'TRANSGRESSION OF THE VOW.'—(120)

Bhāṣya.

This verse supplies the explanation of the meaning of the term '*avakīrṇin*' 'immoral religious student';—from which it is clear that the term '*vrata*' here stands for something other than the penances mentioned in the present context.

'*Keeping up his vows.*'—On the strength of other Smṛti texts, this should be understood to mean 'one who is in the state of the Religious Student'; as it is for such a one that emission of semen, even without sexual intercourse, has been specially forbidden.

The rule here laid down applies to the case of *intentional* emission of semen.—(120)

VERSE CXXI

THE SPIRITUAL POWER OF THE RELIGIOUS STUDENT, WHO HAS BECOME 'IMMORAL,' GOES AWAY INTO THE MARUTS, INDRA, *Bṛhaspati* AND AGNI.—(121)

Bhāṣya.

This is a declamatory statement in support of the aforesaid injunction of the oblations to certain deities.

In the case of the Religious Student who has committed an immoral act, his '*spiritual power*,'—the merit acquired by him by the various kinds of knowledge—'*goes away into*' several deities; *i.e.*, it disappears among them. What is meant is that it departs from the Religious Student.—(121)

VERSE CXXII

ON THIS SIN HAVING BEEN INCURRED, THE MAN, CLOTHED IN THE SKIN OF THE ASS, SHALL GO BEGGING ALMS AT SEVEN HOUSES, PROCLAIMING HIS OWN DEED.—(122)

Bhāṣya.

'*Dressed*'—covered.

'*His own deed*'—saying—'I am an immoral Religious Student.'—(122)

VERSE CXXIII

SUBSISTING ON A SINGLE MEAL PER DAY OUT OF THE ALMS OBTAINED FROM THOSE HOUSES, AND BATHING AT THE THREE 'EXTRACTIONS,' HE BECOMES PURE AFTER ONE YEAR.—(123)

Bhāṣya.

'*Bathing*'—'taking his bath'—in the morning, at midday and in the evening, he becomes purified in one year.—(123)

SECTION (13)—EXPIATION FOR OFFENCES CAUSING LOSS OF CASTE

VERSE CXXIV

ON HAVING INTENTIONALLY DONE ANY ONE OF THOSE ACTS WHICH CAUSE LOSS OF CASTE, ONE SHOULD PERFORM A *Sāntapana-Kṛchchhra*; AND THE *Prājāpatya*, WHEN IT IS DONE UNINTENTIONALLY. —(124)

Bhāṣya.

The treatment of Minor Offences has been finished.

'*Any one.*'—This is only by way of reference; as a combination of occasions is not possible; and further, if all the offences were meant to be taken together, the expiation here spoken of would not be meant for any one; what man is there who could ever commit all those deeds that lead to the loss of caste? On the other hand, if expiation were to be prescribed separately for each offence, there would be no end to the teaching at all. Nor would combination be otherwise advisable; as the occasions and conditions of the expiation are set forth only as qualifying the human agent. For these reasons the declaration should be taken as complete with each individual offence. Just as in connection with the assertion 'he whose father or grandfather has not drunk Soma (shall perform a certain expiatory rite),'—the conclusion is that the expiatory Animal-sacrifice becomes necessary when either one of the ancestors—the father or the grandfather—has failed to drink *Soma*;—and similarly in the declaration—'when *both* sacrificial materials become spoilt, etc.,'—even though it contains the term 'both,' yet the expiatory '*Pañcha-sharāva*' sacrifice has to be performed even when only one material becomes spoilt. The same principle is to be observed in the case of all expiations.

'*Intentionally.*'—This is meant to be emphasised; as also the qualification '*unintentionally.*'

The exact form of the two penances, 'Prājāpatya' and 'Sāntapana,' shall be described later on.—(124)

VERSE CXXV

IN THE CASE OF ACTS CONDUCIVE TO THE DEGRADATION OF 'CASTE-MIXTURE,' OR OF THOSE THAT MAKE ONE UNWORTHY OF RECEIVING GIFTS, PURIFICATION IS SECURED BY THE MONTHLY LUNAR PENANCE; AND IN THE CASE OF THOSE THAT LEAD TO DEFILEMENT, ONE SHOULD MORTIFY HIS BODY ON BARLEY-PRODUCTS FOR THREE DAYS.—(125)

Bhāṣya.

The acts '*conducive to the degradation of mixed caste*' and '*those that make one unworthy of receiving gifts*' have been described above (68 and 69); and the plural number is due to the large number of acts included in these two sets.

The term '*Kṛtyā*,' '*acts*,' is to be construed with each of the two terms '*Saṅkara*' and '*apātra*.' '*Kṛtyā* means *deed.*

'*The monthly Lunar penance*'—is the '*Chāndrāyaṇa.*'

'*Barley-products*'—articles of food prepared from barley,—fit for drinking or sipping and so forth.

Though the expiation mentioned here is without any distinction, yet, a distinction has always to be made in the lightness or heaviness of the penance, according as the act is done *intentionally or unintentionally.*—(125)

SECTION (14)—EXPIATION FOR THE KILLING OF A *KṢATTRIYA*, OR A VAISHYA OR A *SHŪDRA*

VERSE CXXVI

One fourth of the expiation for the killing of a *Brāhmaṇa* has been prescribed for the killing of a *Kṣattriya*, one eighth for that of a *Vaishya*, and one sixteenth for that of a *Shūdra*,—each of these being one who is devoted to his duty.—(126)

Bhāṣya.

It has been said above that for the killing of a Kṣattriya or a Vaishya, engaged in a sacrificial performance, the expiation shall be equal to that for killing a Brāhmaṇa. The present verse applies to cases other than these.

The '*fourth*' and '*eighth*' parts (of the expiation for killing a Brāhmaṇa) have been prescribed in connection with such persons as are fulfilling all their duties,—the term '*duty*' standing for *all duties.*

According to this rule, for the killing of a Kṣattriya, the expiation shall last for *three years*, for that of a Vaishya, for *a year and a half*, and for that of a Shūdra, for *nine months.*

The expiation that has been laid down above (under 67) in connection with 'the killing of a woman, a Vaishya or a Kṣattriya,' pertains to the case of those persons being such as have neglected their duties, and are addicted to unrighteous acts.

'*Duty*' implies character. When the Vaishya is one who has the character of, and behaves like, a Vaishya. The 'duty' of the Shūdra consists in service of twice-born men and the like,—and not the performance of the 'great sacrifices.'

The full expiation prescribed is to be performed in the case of the death of persons firmly devoted to the performance of their duties.—(126)

VERSE CXXVII

IF THE CHIEF OF TWICE-BORN MEN KILLS A *Kṣattriya* UNINTENTIONALLY, HE SHOULD DULY PERFORM THE PENANCE AND GIVE AWAY A THOUSAND COWS AND A BULL.—(127)

Bhāṣya.

This is another expiation in the form of gifts. It is going to be laid down (under 139) below that so long as one has wealth, he need not perform a penance.

'*Unintentionally.*'—No stress is meant to be laid on this qualification; as is clear from the heaviness of the expiation. Or, it may be assumed that it refers to the unintentional killing of the *Kṣattriya* or the Vaishya, engaged in a sacrificial performance.

'*Vṛṣabhaikasahasrāḥ gāḥ*'—literally means 'thousand cows who have one bull among them.'—(127)

VERSE CXXVIII

OR, HE MAY PERFORM, FOR THREE YEARS, THE PENANCE OF THE '*Brāhmaṇa*-KILLER,' KEEPING HIMSELF UNDER CONTROL AND WEARING MATTED LOCKS, LIVING FAR OFF FROM THE VILLAGE, HAVING HIS ABODE AT THE ROOT OF A TREE.—(128)

Bhāṣya.

The first half of the verse explains what is meant by the 'one-fourth' mentioned in the preceding verse.

'*Wearing matted locks.*'—Some people hold that this is meant to exclude the wearing of rags, carrying of a part of the bedstead and so forth (which have been prescribed for the Brāhmana-killer).

This, however, is not right. For what the present verse does is to apply to the case in question the 'one fourth' part of only those details that have been prescribed for the Brāhmaṇa-killer, and not of anything else, even though some such be possible; —walking against the current of the Sarasvatī and such other (optional) details (laid down in 78 *et. seq.*,) being adopted only when there is some necessity for them.

'*Far off.*'—All that this means is that he should not remain in the village.

'*Under the root of a tree*';—*i.e.*, having built a hut there.—(128)

VERSE CXXIX

IF A *Brāhmaṇa* KILLS A RIGHTEOUS VAISHYA, HE SHALL PERFORM THIS SAME EXPIATORY RITE FOR ONE YEAR; OR HE MAY GIVE A HUNDRED COWS AND ONE (BULL).—(129)

Bhāṣya.

In a previous verse '*one eighth*' was prescribed for the killing of a Vaishya; what the present verse lays down is 'one twelfth.'

As the expiation is a light one, it has to be done '*for one year.*'

It appears that the rule here laid down is meant for the case of a Vaishya devoid of qualifications.

"The case of a Vaishya *devoted to his duty* has been already dealt with before."

True; but what the present verse contemplates is the case of a Vaishya who was 'righteous' at the time of death, but was devoid of qualities before that; while the previous rules apply to one who was righteous all along.—(129)

VERSE CXXX

HE WHO KILLS A *Shūdra* SHALL PERFORM THIS SAME ENTIRE PENANCE FOR SIX MONTHS; OR HE SHALL

GIVE TO THE *Brāhmaṇa* TEN WHITE COWS AND ONE BULL.—(130)

Bhāṣya.

Here also, whether the performance shall continue for six months or nine months should be determined by the consideration as to whether the man was 'righteous' or otherwise.

In all cases, the *giving of the prescribed number of cows* should be understood to be an optional alternative.

The mention of the '*Brāhmaṇa*' (in 127) in this connection is meant to be only illustrative.

'*White*'—does not mean *white in colour*, but pure in all points, giving much milk, prone to give birth to females, and not in the habit of losing her offsprings.—(130)

SECTION (15)—EXPIATION FOR THE KILLING OF CATS AND OTHER ANIMALS

VERSE CXXXI

Having killed a cat, an ichneumon, a blue jay, a frog, a dog, an iguana, an owl and a crow,—he shall perform the penance of the '*Shūdra*-killer.'—(131)

Bhāṣya.

Inasmuch as the expiation prescribed is a heavy one, it should be understood as applying to a case where *all* these animals have been killed.

"It has been asserted in connection with offences leading to loss of caste, etc., that a combination is not meant. How too is it ever possible for all these animals to come up before any one man and be killed? If only some of these were present, the required conditions would not be there; in fact it would become a wholly different case. Hence the person meant should be one who has killed one of these animals *repeatedly*. But there is nothing in the text to show that this is what is meant. Nor can the expiation be taken as referring to the killing of each single animal, as there is in the case of such assertion as 'one should drink milk, etc., etc.'" (132)

Thus then, the sentence cannot be taken either as referring to each of the animals severally, or as referring to all of them together; nor is there any third way possible.

It has been said that a *combination* cannot be meant. If a combination is not meant, then the only way in which the text could be taken would be to take it as referring to each individual singly; just as there is in the case of the assertion 'he whose father or grandfather has not drunk the Soma, etc., etc.' But in a case (like the present) where it is found that the whole

sentence becomes meaningless if it is not taken as referring to a combination of all the individuals, it is only right that, with a view to avoid such a contingency, the sentence should be taken as referring to such combination; for instance, in the case of the text—'In the case of killing a thousand animals, etc.' (140),—if a combination were not meant, the mention of the specific number 'thousand' would be meaningless. It is only when, if the sense adopted happens to be very much contrary to what has been laid down in other scriptural texts, that such a sense can be rejected.

"But even in a case where a certain idea is expressed directly by the words of the text, no significance is ever meant to be attached to the qualifications involved in its indirect implication; for instance, in the case of the assertion—'he whose both sacrificial materials become spoilt, etc.'—significance is not meant to be attached to the exact denotation of the term 'both.' In this sentence there are two terms 'both' and 'sacrificial material'; and if significance is attached to both these terms, there results syntactical split, as we shall explain later on. When however it is doubtful whether in a given case significance attaches to the 'material' or the 'both'—the two have to be taken separately, in order to avoid the syntactical split; or what is predicated in the sentence has to be taken as having no connection with one of the two terms. Now what is in closest proximity to the predicate 'becomes spoilt' is the term 'material,'—as is clear from the fact that its *number* is more in keeping with that of this term; so that the other term becomes reiterative of the qualification of the 'material.' If on the other hand, no significance attaches to the term 'material,' then, the rest of the sentence can be taken only as declamatory. In the case in question, if a combination were meant to be expressed, or if stress were to be laid upon the term 'thousand' (in 140), the whole sentence would become meaningless. So that all that the passage would mean is that—'one should perform the penance of the Shūdra-killer......(?),' and that 'the act of killing these

is similar to the killing of a Shūdra,' and all that this would secure would be that these few animals would not be killed (?)"

On the principle here enunciated, we might regard other qualifications also as not meant to be emphasised; for instance under Verse 142. And all this would lead to a deal of incongruity. Then again the passage we are dealing with is the work of a human author, and it does not belong to the Veda. In the case of a Vedic passage, whose usage would it represent? And whom could we charge with having made use of a meaningless assertion? In the case of a passage like the present one, on the other hand, which is the conscious work of a human author, if there is an incongruity in regard to even a single syllable, the writer becomes at once open to the charge of having made use of a meaningless expression.

For all these reasons the only right course is to regard *combination* and its qualification as both equally meant to be significant.

As regards the argument that there can be no possibility of so many animals being killed at one and the same time,—it is quite possible for those who go on hunting excursions and who follow the profession of setting fire to forests.

Lastly as regards the argument, that if even a single one of these several animals is not killed, there would be no occasion for the prescribed expiation,—this also is not right. For just as in the case of the killing of more animals than those enumerated, so also in that of killing fewer than those, a proper adjustment of the requisite expiation can always be made.—(131)

VERSE CXXXII

OR, HE MAY DRINK MILK ONLY FOR THREE DAYS, OR WALK OVER EIGHT HUNDRED MILES OF ROAD, OR BATHE IN A STREAM, OR RECITE THE HYMN ADDRESSED TO THE WATERS.—(132)

Bhāṣya.

Other expiations are now laid down for the killing of any one of the animals mentioned.

The term '*payaḥ*' stands here for *milk*, and not *water*, though it denotes both; just as it does in the passage '*payasā juhoti*' ('offers milk'). As an analogous case we have the term '*varāha*,' which, though signifying both *clouds* and the *boar*, is more often used in the sense of the latter; though this term '*varāha*' signifies *mountain* also, yet whenever it is used in this sense, it stands in need of some co-ordinating term such as '*Himavān-varāhaḥ*,' ('Himālaya Mountain'), '*varāḥaḥ pāriyātraḥ*,' ('Pāriyātra Mountain'), and so forth.

In the case in question, it being clear that what the text mentions is an article of food, by which the body could be maintained,—if we find the term '*payas*,' milk, it means that all other articles of food are to be eschewed. This also is the right view to take in view of the fact that what is meant to be prescribed is a *penance*, '*tapas*,'—a *tapas* being that which *causes pain* (*tāpayati*). This name '*tapas*' is given to such acts as the eating of clarified butter after *Prāṇāyāma*; this, however, does not exclude the eating of other things, nor the rinsing of the mouth, which would make the eating of clarified butter along with something else impossible.

Nor can *water* be taken as an optional alternative for *milk* (both being denoted by the term '*payas*'); what does form such an alternative is that '*he shall bathe in a stream*,' so that 'drinking of milk,' 'walking over 800 miles' and 'bathing in a stream' are the possible alternatives. The stress laid upon the term '*stream*' excludes the bathing in tanks and pools.

'*Sacred to the Waters*'—*i.e.*, the '*Pavamāna*' hymn beginning with the verse '*Āpohiṣṭhā mayobhuvaḥ, etc., etc.*'

Another *Smṛti* text lays down also the eating of mixed food, and the giving of an iron-rod as a gift.

'*Walk*'—not by way of travelling to a certain place; but walking on foot (by way of penance).—(132)

VERSE CXXXIII

FOR KILLING A SNAKE, THE *Brāhmaṇa* SHOULD GIVE AN IRON SPADE; AND IN THE CASE OF A EUNUCH, A LOAD OF STRAW AND A '*māṣa*' OF LEAD.—(133)

Bhāṣya.

No stress is meant to be laid on the mention of the '*Brāhmaṇa.*'

A sharp '*iron spade*' should be given. The qualification 'iron' excludes the spade made of wood and other substances.

'*In the case of a eunuch*'—one who is wanting in virility; who is of four kinds—(1) he who has no semen at all, (2) he whose semen is of mere air, (3) who feels no erection of the organ, and (4) who has the signs of both sexes, a hermaphrodite. This expiation regarding the killing of the *eunuch* is applicable to all animals—Brāhmaṇa, Shūdra, sheep, goat, and so forth.—(133)

VERSE CXXXIV

FOR A BOAR, A JAR OF CLARIFIED BUTTER; FOR A PARTRIDGE, A '*droṇa*' OF SESAMUM; FOR A PARROT, A TWO-YEAR-OLD CALF; AND FOR KILLING A HORSE, A THREE-YEAR-OLD CALF.—(134)

Bhāṣya.

If one kills a boar, he should give a jar full of clarified butter.

'*Droṇa*'—is equal to four '*āḍhakas*' (ten seers).

'*Hāyana*'—is *year.*

'*Calf*'—a young one of the bovine species.—(134)

VERSE CXXXV

ON HAVING KILLED A SWAN, A *balākā*, A CRANE, A PEACOCK, A MONKEY, A FALCON, OR A VULTURE,—ONE SHOULD GIVE A COW TO A *Brāhmaṇa.*—(135)

Bhāṣya.

'*Swan*' and the rest are birds.

'*Vānara*' is *monkey*.

'*Sparshayēt*'—should give.

This expiation applies to the killing of any one of the animals mentioned; because the names have not been compounded into a copulative compound,—as has been explained before.—(135)

VERSE CXXXVI

ON KILLING A HORSE, ONE SHOULD GIVE A GARMENT; AND FIVE BLACK BULLS ON KILLING AN ELEPHANT; ON KILLING A GOAT AND A SHEEP, AN OX; AND ON KILLING A HARE, A ONE-YEAR-OLD CALF.—(136)

Bhāṣya.

'*Haya*'—horse.

'*Gaja*'—elephant.

'*Anaḍvān*'—ox; also on the killing of a goat and a sheep.

On killing a '*hare*,' a '*one-year-old calf*'—as is clear from the proximity of the 'ox.'—(136)

VERSE CXXXVII

FOR KILLING CARNIVOROUS ANIMALS, ONE SHOULD GIVE A MILCH-COW; AND A HEIFER FOR KILLING THOSE NOT CARNIVOROUS; AND A '*kṛṣṇala*' OF GOLD FOR KILLING A CAMEL.—(137)

Bhāṣya.

'*Carnivorous animals*'—*e.g.*, the hyena, the lion and so forth.

'*Not carnivorous*'—*e.g.*, the several species of the deer.

'*Dhēnu*'—stands for the *cow* only.

'*Kṛṣṇala*'—is a gold-piece of a definite weight. The term has this technical meaning in treatises on Fines; but

elsewhere it is used in the ordinary sense of a particular weight-measure; as in such passages as—'one desiring longevity should give one hundred *kṛṣṇalas* of clarified butter.'—(137)

VERSE CXXXVIII

For killing inconstant women of the four castes, one should give, for his purification, a leathern bag, a bow, a goat and a sheep respectively.—(138)

Bhāṣya.

'*Inconstant.*'—Those women who, behaving like prostitutes, have intercourse with many men, are called 'inconstant'; the epithet does not connote merely transgression of the scriptures; as that would not restrict the term to *adultery* only.

One should give the 'leathern bag' and other things in the order of the castes.

'*Jina*'—the leathern bag, used for carrying water and such purposes.

'*Kārmuka*'—bow.

'*Vaṣta*'—goat.

'*Avi*'—sheep.

'*Respectively.*'—This shows that the expiation here laid down is not to be regarded as cumulative.

Some people read '*gatvā*' (for '*hatvā*') ('having intercourse'). But this is not right; since 'killing' forms the subject-matter of the present context.—(138)

VERSE CXXXIX

If a twice-born person is unable to atone the sin of killing by means of gifts, he should perform the '*Kṛchchhra*' for each act, for the purpose of removing his sin.—(139)

Bhāṣya.

'*Atone*'—expiate.

This verse shows that gifts constitute the principal atonement for sins.

'*For each act.*'—This shows that what is here laid down is not to be regarded as cumulative.

The words beginning with '*dvijaḥ*' ('twice-born person') are added for the purpose of filling up the metre.

In the absence of any specification, the term '*Kṛchchhra*' has been taken to stand for the '*Prājāpatya*' penance.—(139)

VERSE CXL

IF ONE KILLS ONE THOUSAND ANIMALS 'WITH BONES,' OR A FULL CART-LOAD OF BONELESS ONES, HE SHALL PERFORM THE PENANCE FOR THE KILLING OF A *Shūdra*.—(140)

Bhāṣya.

'*With bones.*'—This denotes the smallness of the body; as is clear from its being mentioned along with '*boneless* animals.'

'*Anas*' is *cart*, which stands here as a measure.

Though this expiation has been laid down here, yet, something else also has got to be done, as laid down in the next verse.—(140)

VERSE CXLI

FOR THE KILLING OF ANIMALS WITH BONES, HE SHOULD GIVE SOME TRIFLE TO A *Brāhmaṇa*; AND FOR THE KILLING OF BONELESS ANIMALS, ONE BECOMES PURIFIED BY THE 'CONTROL OF BREATH.'—(141)

Bhāṣya.

'*Some trifle*' stands for a small thing—small in amount, in utility and in price.

According to the older writers the expiation here laid down is for the killing of a *single* animal.

As a matter of fact, there is no expiation at all for the killing of boneless animals.

'*Control of Breath*' here stands for *self-control.*

The killing of 'insects and worms,' which has been mentioned among 'defiling sins' (under 11. 70), is to be understood as referring to insects of large size,—the present verse referring to little insects as mosquitoes and the rest.—(141)

SECTION (16)—EXPIATION FOR CUTTING TREES AND OTHER OFFENCES

VERSE CXLII

WHEN ONE CUTS FRUIT-BEARING TREES, SHRUBS, CREEPERS, BRANCHES OF TREES OR FLOWERING PLANTS, HE SHOULD RECITE ONE HUNDRED *Ṛk* VERSES.—(142)

Bhāṣya.

'*Fruit-bearing trees*'—such as the Mango, the Kaṇṭakī and the like.

The *reciting of one hundred Ṛk verses* is meant for twice-born men.

"What then is to be the expiation for a Shūdra?"

Some people hold that for them the expiation shall be the same as for the '*minor offence*' of 'cutting green trees for fuel.'

This, however, cannot be right, as that would be too heavy.

"If that is too heavy, why should it have been prescribed in connection with *minor offences*?"

The expiation laid down there was for repeated acts.

For these reasons, for the Shūdra cutting fruit-bearing trees, etc., the expiation shall be fasting for two or three days.

'*Shrubs,*' *etc.*—have been already explained.

'*Latā*'—stands here for branches of trees.—(142)

VERSE CXLIII

FOR THE DESTROYING OF ANY KIND OF CREATURES BRED IN FOOD, IN SAUCES, IN FRUITS OR IN FLOWERS, THE EXPIATION CONSISTS IN EATING WITH CLARIFIED BUTTER.—(143)

Bhāṣya.

The creatures or living beings that are bred in cooked rice, and other kinds of food kept for a long time.

'*Bred in sauces*'—such as molasses, gruel and so forth.

The insects inside figs and such others are those '*bred in fruits and flowers.*'

'*Eating with clarified butter*'—that is, when one begins to take his food, he should drink clarified butter;—the particle '*pra*' in '*prāsha*' denoting *beginning.* Hence what is laid down does not exclude ordinary food, as is done in the case of the '*Payovrata*' (subsisting on milk) and other penances; and the reason for this lies in the consideration that the creatures concerned are so insignificant that mere 'breath-control' has been prescribed as the expiation for killing them; so that the expiation in question (if it meant subsisting on clarified butter *only*) would be too heavy for such a trifling offence. Hence what is meant by 'eating with clarified butter' is that just a little of it should be sipped in the beginning.—(143)

VERSE CXLIV

IF ONE NEEDLESSLY CUTS PLANTS GROWN BY CULTIVATION, OR THOSE THAT SPONTANEOUSLY GROW IN THE FOREST, HE SHALL ATTEND ON THE COW FOR ONE DAY, SUBSISTING ON MILK ONLY.—(144)

Bhāṣya.

Those that grow in a plot of land that has been cultivated with the plough, the spade and other implements, and those that grow by themselves in the forest;—if one cuts these '*needlessly*'—*i.e.*, not for any such purpose as the feeding of cattle and the like,—he should '*attend on the cow for one day*'—with great joy.

'*Subsisting on milk.*'—This precludes all other food.—(144)

VERSE CXLV

By means of these penances shall one remove the sin arising from the act of slaying, either intentionally or unintentionally. Now listen to all that is involved in eating forbidden food.—(145)

Bhāṣya.

'*The sin arising from the act of slaying*'—that which is produced by slaying—'*shall be removed*'—is removable—by the penances just described;—whether the act be done intentionally or unintentionally.

Now listen to the method by which one could remove the sin involved in the eating of '*forbidden food*'—such food as ought not to be eaten.—(145)

SECTION (17)—EXPIATION FOR THE SIN OF TAKING FORBIDDEN FOOD

VERSE CXLVI

If one drinks wine unintentionally, he becomes pure by a sacrament; this, however, is not what should be prescribed in the case of doing the act intentionally; in which case there should be a penance involving death;—such is the settled law.—(146)

Bhāṣya.

Inasmuch as in connection with this 'Initiation,' the use of the girdle-zone and other things has been forbidden, it follows that it stands here for 'Initiation'; and on the strength of another Smṛti-text, this should be accompanied by the '*Tapta-kṛchchhra*' penance. Says Gautama—'In the case of unintentional drinking of wine, one should live for three days upon milk, clarified butter, water and air, performing the Tapta-kṛchchhra,—then should follow his Initiation' (23. 2).

The '*wine*' meant here is not that which is distilled from grains, but those that are distilled from molasses and honey.

"From what does this follow?"

It follows from what we learn from another Smṛti-text —'The Brāhmaṇa who unintentionally drinks wine *other than that distilled from grains*, becomes pure by subsisting, for ten days, on cow's urine, and barley-products.' So that in the case of the unintentional drinking of wine distilled from grains, there is to be an ordinary form of expiation (and not Re-initiation),—either in the one form of the penance involving the subsisting for one year on pieces of grain, or in the performance of the 'Chāndrāyaṇa.'

In the case of the *intentional* drinking of even the two kinds of wine (that distilled from molasses and that distilled from honey), the aforesaid expiation should not be prescribed; in such a case, the expiation should be one that brings about the death of the offender.

"What expiation would this be?"

The same that has been prescribed above for the drinking of the wine that is distilled from grains, which is the most important form of wine.

This, however, should be understood to apply to cases of *repeated* drinking (of the two kinds of wine); since for *once* drinking wines *other than that distilled from grains*, the performance of the *Chāndrāyaṇa* penance has been laid down.

Thus the '*settled law*' on this point is as follows:—(*a*) If one drinks intentionally the wine distilled from grains, there should be a penance ending in death;—(*b*) if he drinks that same wine unintentionally, and once only, he should live upon pieces of grain and perform the *Chāndrāyaṇa*;—(*c*) if he does it unintentionally, but repeatedly, then it shall be just as in the case of intentional drinking;—(*d*) in the case of the intentional drinking of other wines, one should perform the *Chāndrāyaṇa*;—(*e*) in the case of the unintentional drinking of these, once only, there should be the '*Taptakṛchchhra*,' Initiation and subsisting on cow's urine and barley-products;—and (*f*) in the case of unintentional, but repeated, drinking of these, it shall be just as in the case of the wine distilled from grains.—(146)

VERSE CXLVII

IF ONE HAS DRUNK WATER KEPT IN A VESSEL USED FOR KEEPING WINE, OR IN A POT WHERE INTOXICATING DRINKS ARE KEPT, HE SHALL DRINK, FOR FIVE DAYS, MILK IN WHICH *Shaṅkhapuṣpī* HAS BEEN BOILED.—(147)

Bhāṣya.

This expiation refers to the drinking of water out of a vessel in which the taste of wine is felt.

"The term '*madya,*' 'intoxicating drink,' being a general one, all that is intended would be secured from the single word '*contained in a pot used for keeping intoxicating drinks*'; and the other word '*contained in a vessel used for keeping wine*' should not have been used."

True; this would be so if there were not a great difference between the expiations prescribed for the drinking of 'wine' and of 'intoxicating drinks.' When, however, there *is* such a difference, it would appear that there should be a correspondingly heavier expiation for the drinking of water contained in a *wine-vessel*;—and it is with a view to preclude this idea that the text prescribes the same expiation for both.

'*For five days he shall drink milk in which Shaṅkhapuṣpī has been boiled.*' The term '*payas*' here stands for *milk*; because the particular term '*shṛta*' (in the sense of *boiled*) is used only in connection with *milk* and sacrificial materials.

'*Shaṅkhapuṣpī*' is the name of a medicinal herb; and this shall be pounded and boiled in milk, which shall be drunk for five days.—(147)

VERSE CXLVIII

IF ONE TOUCHES WINE, OR OFFERS IT TO ANOTHER, OR RECEIVES IT IN DUE FORM,—OR IF HE DRINKS WATER LEFT BY A *Shūdra*,—HE SHALL DRINK KUSHA-WATER FOR THREE DAYS.—(148)

Bhāṣya.

'*Receives it in due form,*'—*i.e.*, pronouncing the syllable '*svasti*'; similarly with the *offering* also.

There would be no harm in the case of *vrīhi* and other corns.

'*Kusha*' is a kind of grass.—(148)

VERSE CXLIX

If a *Brāhmaṇa* who has partaken of the Soma inhales the odour given out by a wine-drinker, he becomes pure by thrice suppressing his breath in water and eating clarified butter.—(149)

Bhāṣya.

'*Odour given out by a wine-drinker.*'—The odour that comes out of the mouth of a person who has drunk wine, is due to its digestion undergone in the stomach and contact with other substances therein contained; hence the offence is a comparatively light one. The odour of wine kept in a vessel, can be easily avoided (hence the inhaling of its odour would be a serious offence).

Others explain the text to mean that this same expiation, applies to a case where the said odour is inhaled by a Brāhmaṇa who is habituated to drinking wine.

'*Who has partaken of Soma.*'—This specification implies that what is said here does not apply to the case of one who has performed the *Darsha-pūrṇamāsa* sacrifices.

'*Eating clarified butter.*'—Here also, the eating of other things is not precluded.

Since '*wine*' has been mentioned by name, what is said here does not apply to the case of other *intoxicating drinks.*—(149)

VERSE CL

The three twice-born castes, who have unwittingly swallowed ordure or urine, or anything that has been in contact with wine, are liable to re-initiation.—(150)

Bhāṣya.

'*Ordure or urine*'—is meant to include *semen* also; since we read in another Smṛti—'This same expiation applies

to the case of the eating of ordure, stenching corpse *and semen.*'

"Whose *ordure* and *urine* are meant here?"

Of men; the case of those of other animals we shall deal with later on.

In connection with this offence also, the '*Tapta-Kṛchchhra*' has to be combined with what is here laid down; reasons for which have been already explained above.

Stress is meant to be laid upon the term '*twice-born*'; since another expiation for Shūdras is going to be laid down later on.

'*Unwittingly.*'—This is only a reiteration; who is there who would swallow ordure or urine *intentionally*?

Further, in connection with the (intentional) drinking of intoxicants, it has been laid down that 'having partaken of an intoxicant, one should perform the '*Kṛchchhra*'; so that if Initiation were the only expiation meant for the *intentional* swallowing of ordure and urine, the text would imply that both (eating of ordure and drinking of an intoxicant) stand on the same footing (which is absurd).

VERSE CLI

IN THE PERFORMANCE OF THE RE-INITIATION OF TWICE-BORN MEN, TONSURE, THE GIRDLE, THE STAFF, BEGGING ALMS, AND THE VOWS ARE OMITTED.—(151)

Bhāṣya.

'*Vows*'—are understood to be those laid down in connection with Vedic study. But this is not right; since those vows have been laid down with a view to proper *study*, and hence there could be no possibility of their coming in on the occasion of Re-initiation. [So that the rule declaring their omission would be redundant.] Hence the 'vows' in the present context should be understood to be those that are set before the student in such words as—'Do not sleep during the day,' 'Fetch

fuel in the morning and in the evening,' 'Be obedient to the Preceptor,' and so forth. It is these that are omitted on the Re-initiation.—(151)

VERSE CLII

IF ONE HAS EATEN THE FOOD OF PERSONS OF UNFIT FOOD, OR FOOD LEFT BY A WOMAN OR A *Shūdra*,—OR FORBIDDEN FLESH,—HE SHALL DRINK BARLEY FOR SEVEN DAYS.—(152)

Bhāṣya.

Those persons are said to be '*of unfit food*' whose food people do not eat; *i.e.*, those ignorant of the Veda, those who make a living by their wife, those who live upon war, those who sacrifice for persons not entitled to sacrifice, and so forth.

Since the term '*Shūdra*' itself, which stands for both sexes, would include the Shūdra woman also,—the term '*woman*' should be understood to stand for a woman of the same caste as the person concerned.

'*Left*'—means *touched by the mouth.*

As for the assertion that 'the mouth of women is always pure' (5. 130), the exact scope of that has been already explained.

In connection with the drinking of water *left by a Shūdra,* a previous text (149) has laid down the 'drinking of Kusha-water,' while the present text prescribes the drinking of 'barley' for seven days. And since the matter is a purely scriptural one, what is said in the present verse should be taken as referring to the eating of such food as *cooked rice* and the like.

'*Forbidden flesh*'—of such birds, for instance, as the *Plava,* the *Hamsa,* the *Chakravāka* and the like.

What is here prescribed should be understood as referring to cases where the act is repeatedly and intentionally done. For other cases, the expiation would be the general one that—'in the case of the rest, one should fast for the day.'

This same expiation also applies to the case of the drinking of all kinds of *forbidden milk*, with the exception of the milk of the sow, the camel and such other animals,—in connection with which special expiations have been directly prescribed.

When one drinks the 'gruel' (of barley), it becomes the *drinking of 'barley.'*—(152)

VERSE CLIII

IF A TWICE-BORN PERSON DRINKS SOURED LIQUIDS OR DECOCTIONS,—EVEN THOUGH THEY BE PURE,—REMAINS IMPURE UNTIL IT HAS GONE DOWN. (153)

Bhāṣya.

'*Pure soured liquids*'—such as have been permitted, as 'among soured liquids, curds are eatable, etc.' (5. 10). As regards *curds*, however, the present text has nothing to do with it; for even though it is a 'soured liquid,' its eatability has been distinctly asserted; in fact the texts declare that it is a *purifying* substance.

'*Decoctions*'—are well-known in medical works, as prepared by the boiling of herbs.

'*Impure*'—defiled.

'*Until it has gone down.*'—'Going down' stands for their being digested and passed out in the form of urine and excreta; or it may mean simply reaching the digestive organ.—(153)

VERSE CLIV

IF A TWICE-BORN PERSON SWALLOWS THE ORDURE OR URINE OF THE VILLAGE-PIG, OF AN ASS, OF A CAMEL, OF A JACKAL, OF A MONKEY, OR OF A CROW—HE SHALL PERFORM THE *Chāndrāyaṇa*.—(154)

Bhāṣya.

Since nothing has been specially mentioned, this should be understood to apply to a case where the swallowing is done

unintentionally. Or, both intentional and unintentional swallowing may be regarded as being on the same footing; as such an assumption would be better than any reduction in the expiation (in cases of *unintentional* swallowing).—(154)

VERSE CLV

IF ONE EATS DRIED MEAT, MUSHROOMS GROWING ON THE GROUND, OR UNRECOGNISED MEAT LYING IN THE SLAUGHTER-HOUSE—HE SHALL PERFORM THIS SAME PENANCE.—(155)

Bhāṣya.

'*Dried meat*'—such for instance, as dried pork and so forth.

'*Growing on the ground.*'—This epithet has been added with a view to show that those growing in cavities are not forbidden.

'*Unrecognised*' —it being unascertainable whether it is flesh of sheep or of buffalo.

'*Slaughter-house*'—where animals are killed for sale. In the case of meat found in other places, the expiation is a light one.

"In fact when the text emphasises the qualification of '*lying in the slaughter-house*,' there should be no harm in meat obtained elsewhere."

It is not so; since all meat connected with the 'slaughter-house' has been forbidden in general terms. Though as regards expiation, a comparative reduction or enhancement would always be proper, in view of the exact place from where the meat has been obtained.

'*This same*'- *i.e.*, the *Chāndrāyaṇa.*

When, however, the exact species of the animal is known, the repeated eating of such meat would involve the drinking of barley-gruel for seven days. In the rest, 'one should fast during the day.'—(155)

VERSE CLVI

For eating the meat of carnivorous animals, of pigs, of camels, of cocks, of crows, of asses, or of human flesh,—the atonement consists of the *Tapta-Kṛchchhra*.—(156)

Bhāṣya.

The particle '*cha*' indicates that the previous verse (154) also is to be construed with the present one; so that for the eating of the meat of the village-pig and other animals mentioned therein, this same should be the expiation.

And the second '*cha*' indicates that the expiation for swallowing the ordure or urine of carnivorous and other animals (mentioned in the present verse). would be the same as that in the case of that of the village-pig and other animals (mentioned in 154); but with this difference that in another *Smṛti*, what is laid down in the present verse is found to be applied to the case of *all men*; hence so far as the present verse is concerned, no significance can be attached to the specification of 'twice-born men' (in 154), where it is said that 'the twice-born man shall perform the Chāndrāyaṇa.'

Thus these two verses (154 and 156) should be taken along with Verse 159; so that the eating of what has been touched by the mouth of these animals (mentioned in the present verse) shall be treated on the same footing as the eating of things touched with the mouth of the cat and other animals (mentioned in 159).

On the same ground, the ordure and urine of all the animals (mentioned in the three verses) become forbidden; so that the expiation for the swallowing of the ordure and urine of the cat and other animals (mentioned in 159) would be the same as that for the swallowing of those of the carnivorous and other animals (mentioned in the present verse). —(156)

VERSE CLVII

IF A TWICE-BORN PERSON, WHO HAS NOT COMPLETED HIS COURSE OF STUDY, EATS FOOD GIVEN AT A MONTHLY RITE, HE SHALL FAST FOR THREE DAYS AND REMAIN ONE DAY IN WATER.—(157)

Bhāṣya.

'*Monthly rite*'—*i.e.*, the '*Ekoddiṣṭa*' *shrāddha*, which is performed every month, for one year, till the performance of the '*Sapiṇḍīkarana*.' Though the *shrāddha* performed on the new-moon day is also called a 'monthly shrāddha,' eating at it has been permitted by such texts as—'when invited he may freely eat'; how then could there be any expiation needed in this case?

Others have held that what is permitted is eating *on invitation*, so that if one eats *without invitation* at the new-moon shrāddhas also, he should be liable to the said expiation.

'*Who has not completed his course of study*'—*i.e.*, while one is still residing with the teacher; *i.e.*, the Religious Student.

Out of the three days, on any one day, he may remain in water. Since the 'three days' are mentioned, there would be no justification for adding a fourth day.—(157)

VERSE CLVIII

IF A PERSON KEEPING A VOW HAPPENS, IN ANY WAY, TO EAT HONEY OR MEAT, HE SHOULD PERFORM THE ORIGINAL *Kṛchchhra*, AND THEN COMPLETE THE REMAINDER OF HIS VOW.—(158)

Bhāṣya.

'*Person keeping a vow*'—*i.e.*, one who is still in the stage of the Religious Student.

'*In any way*'—*i.e.*, even in normal times; in abnormal times, when life is in danger, the eating of the two things has been permitted; so that there being nothing wrong in such eating, the present verse cannot be taken as laying down as an expiation for the same, thereby contradicting what has gone before. Hence what the meaning is that the expiation is necessary only under certain conditions, not always.

'*Original Kṛchchhra*'—*i.e.*, the *Prājāpatya*; which is called 'original,' because it forms the ***origin*** or *archetype* of all *Kṛchchhras*.

'*He should complete the remainder of his vow.*'—This shows that until the prescribed expiation has been performed, the man is not entitled to complete the vow.—(158)

VERSE CLIX

HE WHO EATS WHAT HAS BEEN LEFT BY A CAT, A CROW, A RAT, A DOG, OR AN ICHNEUMON,—OR FOOD DEFILED BY A HAIR OR AN INSECT,—SHALL DRINK THE *Brahmasuvarchalā* HERB.—(159)

Bhāṣya.

'*Ākhu*'—rat.

'*Defiled*'—rendered impure by the contact of the said things.

'*Brahmasuvarchalā*'—Having pounded it and mixed it with water, he shall drink it *for one day*; since the text does not make any specific recommendation as to time, if the drinking is done once one day, the injunction will have been duly obeyed.—(159)

VERSE CLX

IF ONE DESIRES HIS OWN PURITY, HE SHOULD NOT EAT IMPROPER FOOD; WHEN EATEN UNINTENTIONALLY, IT SHOULD BE THROWN OUT, OR SPEEDILY ATONED FOR BY MEANS OF PURIFICATIONS.—(160.)

Bhāṣya.

The first half of the verse is purely reiterative; as what the verse lays down is the expiation for the unintentional eating of improper food.

The meaning is that the food should be immediately vomited. Or '*it should be atoned for by means of purifications*'—*i.e.*, expiations.

Others explain '*purifications*' as standing for the *Harītakī* and such other purgatives; and they quote, in their support, the following from Gautama (23. 23)—' For eating improper food, the bowels should be cleared of all refuse.'

This passage, however, does not support the said interpretation; as even fasting would *clear the bowels of all refuse.*

Hence the meaning must be that in the event of the man not vomiting the food, he should perform the prescribed expiations.—(160)

VERSE CLXI

THUS HAS THE LAW RELATING TO THE PENANCES FOR THE EATING OF IMPROPER FOOD BEEN SET FORTH; LISTEN NOW TO THE LAW RELATING TO THE PENANCES EXPIATORY OF THE SINS OF THEFT.—(161)

Bhāṣya.

'*Of penances for the eating of improper food*'—*i.e.*, of such food as should not be eaten.

Next follows the law relating to those penances that remove the sin of theft.—(161)

SECTION (18)—EXPIATION FOR THEFT

VERSE CLXII

IF A CHIEF OF TWICE-BORN MEN INTENTIONALLY COMMITS THEFT OF GRAINS, COOKED FOOD AND WEALTH, FROM THE HOUSE OF A CASTE-FELLOW, HE BECOMES PURE BY PERFORMING THE *Kṛchchhra* FOR ONE YEAR.—(162)

Bhāṣya.

'*Chief of twice-born men.*'—This is only illustrative; it includes the Kṣattriya and the rest also; but inasmuch as the text has used the term '*chief of twice-born men,*' the phrase '*from the house of a caste-fellow*' is understood to signify *from the house of a Brāhmaṇa.* Hence the meaning comes to be this:—'Men of all castes, on stealing wealth from the house of a Brāhmaṇa, would become pure by performing the *Kṛchchhra* for one year.'

The term '*wealth*' including all kinds of property, 'grains' and 'cooked food' have been specially mentioned, for the purpose of indicating the better quality of grains; as for the stealing of grains of inferior quality, another expiation is going to be prescribed; from which it follows that what is here laid down applies to the stealing of the more important varieties of grains of superior quality.

"From among the various castes, if the Brāhmaṇa steals the property of other castes, what shall be the expiation?"

It shall be computed at the 'fourth,' the 'eighth' and other parts of what is here prescribed; just as we have found in the case of murder (sec. 127). That is, when the Brāhmaṇa steals the property of a Kṣattriya, he shall perform the Kṛchchhra

or three months; in the case of the property of a Vaishya, for a month and a half, and in that of a Shūdra, for twenty-two days.

"What is the quantity of grains, the stealing of which would make one liable to the said expiation?"

More than,—or even a little less than—ten jarfuls. That such is the meaning is indicated by the heaviness of the expiation prescribed.

A similar computation may be made in regard to '*wealth*' also.

'*Intentionally.*'—This is added only for the purpose of filling up the verse; as there can be no *unintentional* stealing of what belongs to another.

'*Grains*'—Vrīhi and the rest.

"*Cooked food*'—grains and meat.

When every one of the three things is stolen, the *Kṛchchhra* should be performed for three years.

Some people take the expiation here laid down as meant for the stealing of all the three things mentioned, on the ground that it is a very heavy one.—(162)

VERSE CLXIII

For the stealing of men and women, of a field or a house, or the water of a well, or a tank,—the *Chāndrāyaṇa* has been declared to be the expiation.—(163)

Bhāṣya.

'*Men*'—slaves.

'*Women*'—slave girls.

'*Field*'—plot of land, where *Vrīhi* and other corns are grown.

The word '*water*' is to be construed both with '*wells* and *tanks*.' What is here laid down applies to a case where water has been drawn from the well or the tank and preserved in a cistern and such other smaller reservoirs.

From the mention of '*water*' here it follows that for the misappropriating of *dry* wells and tanks, there is another law.

'*Vāpī*' is a synonym for '*taḍāga*' (tank).—(163)

VERSE CLXIV

IF ONE STEALS THINGS OF SMALL VALUE IN THE HOUSE OF ANOTHER, HE SHOULD RESTORE THEM; AND FOR HIS OWN PURIFICATION, HE SHOULD PERFORM THE '*Sāntapana Kṛchchhra.*'—(164)

Bhāṣya.

'*Things of small value*' do not last long; and things of small value are such earthenware articles as a dish, a cup, and so forth, as also such wooden things as the '*droṇa*,' the '*āḍhaka*' and other weights; and such iron things as the spade, the shovel, and so forth.

'*In the house of another.*'—The stealing of things lying in the house is a serious offence; not so that of things lying in the field or in the courtyard.

'*Restored*'—given back. This pertains to all cases of theft, as it has not been qualified in any way.

In a case where it is not possible to restore what has been stolen, the expiation shall be the double of what is prescribed here.—(164)

VERSE CLXV

FOR THE STEALING OF EATABLES AND EDIBLES, OF A CONVEYANCE OR A BED, OR A SEAT, OR OF FRUITS, ROOTS AND FLOWERS,—THE EXPIATION CONSISTS OF THE FIVE PRODUCTS OF THE COW.—(165)

Bhāṣya.

'*Conveyance*'—the cart and such things.

'*Bed*'—the bedstead, and so forth.

'*Seat*'—the mat, the stool, or wooden slab.

'*Eatables and edibles.*'—The distinction between the two should be understood to be this that while one stands for what is dry and scattered, the other stands for the reverse;—'*eatables*' standing for such things as sweetmeats, cakes and the like and '*edibles*' for barley-gruel and such things.

'*Five Products of the Cow.*'—These are well-known.

Here also what is mentioned should be eaten for one day only.—(165)

VERSE CLXVI

THERE SHOULD BE FASTING FOR THREE DAYS, IN THE CASE OF STEALING GRASS, WOOD, TREES, DRY FOOD, MOLASSES, CLOTHES, LEATHER AND MEAT.—(166)

Bhāṣya.

The expiation here laid down is for the stealing of grass and other things, in such quantities, as would be more valuable than the 'conveyance' and other things mentioned in the preceding verse.

'*Wood*'—not made into any article. That this is what is meant follows from its occurring along with 'trees.'

'*Druma*' is tree.

'*Dry food*'—either rice, or fried barley.

'*Molasses.*'—This stands for things made of molasses; so that sugarcandy and other sweetmeats become included.

'*Chaila*' is *cloth*;—*i.e.*, of large quantities of valuable cloth.

The expiation here laid down is an optional alternative to the *Kṛchchhra* that would be necessary in accordance with what is laid down in Verse 163, where the stealing of 'wealth' (which includes cloth) has been dealt with.

'*Leather*' stands here for *armour.*

'*Māṃsa*'—meat.—(166)

VERSE CLXVII

In the case of the stealing of gems, pearls, corals, copper, silver, iron, bronze and stone, one should subsist, for twelve days, on pieces of grain.—(167)

Bhāṣya.

There is to be reduction in time, according to the greater or smaller quantity of the things stolen, as also according as the offence is the first one or a repetition.—(167)

VERSE CLXVIII

In the case of cotton, silk, wool, an animal with cleft hoofs, an animal with uncleft hoofs, a bird, perfumes, medicinal herbs, and a rope,—milk shall be drunk for three days.—(168)

Bhāṣya.

'*Kīṭaja*,' 'produced from worms,' stands for *silks*.

'*Animals with cleft hoofs*'—such as the cow and the rest.

'*Animals with uncleft hoofs*'—such as the horse and the rest.

'*Birds*'—parrots, hawks, and so forth.

'*Rope*'—used for pulling water out of wells.—(168)

VERSE CLXIX

By means of these penances, the twice-born man shall remove the sin caused by theft; that due to approaching women who should not be approached, he shall expiate by these (following) penances.—(169)

Bhāṣya.

The meaning of this verse is quite clear.—(169)

SECTION (19)—EXPIATION FOR WRONGFUL SEXUAL INTERCOURSE

VERSE CLXX

If one has had sexual intercourse with his uterine sister, or with the wife of his friend, or of his son, or with an unmarried maiden, or with a lowest-born woman,—he should perform the penance prescribed for the 'violation of the Preceptor's Bed.'—(170)

Bhāṣya.

Even though the text speaks generally of 'the penance prescribed for the violation of the Preceptor's Bed,' without any qualifications, yet it does not mean the application to the present case of what has been said regarding 'sleeping on a redhot iron-bedstead,' and so forth (under Verse 104); what it does mean, however, is the performing for one year of the 'Prājāpatya penance,' which has been laid down in Verse 106. That such must be the meaning is clear from the fact that the violating of the Preceptor's Bed is a 'heinous offence'; and apart from the 'heinous offences,' there is no penance leading to death; though there may be this in cases of repetition (of non-heinous offences also).

'*Svayoni*'—uterine sister.

'*Wife of a friend.*'—The consort of a loving friend; what constitutes the seriousness of this offence is the affectionate regard of the friend, and not any blood-relationship, nor any such qualification of the husband as Vedic learning and the like.

Similarly in the case of '*the wife of his son*'—the daughter-in-law.

'*Unmarried maiden*'—of other castes also. This is meant to refer to intercourse with those who have not yet been given away by their fathers, and who have not surrendered themselves through love,—the intercourse being entirely by force.

In connection with this also, the exact penance shall be regulated by several considerations. Though the text has added no qualifications to the general application of the law relating to the 'violation of the Preceptor's bed,' yet in any two cases there may be two distinct penances, as is actually found to be the case. For instance, on account of the comparative heaviness or lightness of the offence, there would, in the case of women of the lower castes, be the performance of the *Chāndrāyaṇa* for three months, which would be lighter than that of the *Kṛchchhra* for one year (which would have to be done in the case of other women).

'*Lowest-born*'—*Chaṇḍāla* and *Mlēchchha* women. In the case of *Chaṇḍāla* women, a distinction in the penance has to be made on the ground of the act being intentional or unintentional,—as is clear from other *Smṛti* texts. For instance, in the case of women of the '*antyāvasāya*' caste, the penance would be a 'Half-Kṛchchhra,' while in others, it would be one lasting for twelve days.—(170)

VERSE CLXXI

ON HAVING HAD INTERCOURSE WITH ONE'S SISTER BORN OF HIS FATHER'S SISTER, OR OF HIS MOTHER'S SISTER, OR OF HIS MOTHER'S FULL BROTHER,—ONE SHOULD PERFORM THE *Chāndrāyaṇa*.—(171)

Bhāṣya.

'*Sister born of the father's sister*'—is the daughter of the father's sister; similarly the daughter of the mother's sister.

'*Mother's brother*'—maternal uncle.

'*Full*'—uterine.—(171)

VERSE CLXXII

A WISE MAN SHOULD NEVER TAKE THESE THREE AS HIS WIFE; BEING BLOOD-RELATIONS, THEY ARE NOT FIT TO BE MARRIED; BECAUSE BY MARRYING THEM ONE SINKS LOW.—(172)

Bhāṣya.

"The unmarriageability of these being already implied by the law that no 'sapiṇḍa' relation shall be wedded, for what special purpose does the present text assert that *they are not fit to be married?*"

Some people offer the following explanation:—It is asserted here with a view to permit the option of marrying such relations other than these three as have been precluded on the ground of Sapiṇḍa-relationship.

This, however, is not right. Because the present text is meant to lay down the expiation necessary in the case of these three, which is different from that in the case of other Sapiṇḍa relations; and so long as this explanation of the text is possible, it would be highly improper to reject, even partially, the injunctions of the text forbidding the marrying of all 'Sapiṇḍa relations'; options are admitted only when they cannot be avoided.

'*Jñāti*'—blood-relation.

'*Not fit to be married*'—not fit to be wedded, or for intercourse.

'*Marrying*'—wedding.

'*Sinks low*'—that is, he falls into hell; or it may mean that he becomes degraded in caste, comes to belong to a lower caste. Though in reality, a man's caste cannot leave him so long as his body lasts, yet what is meant is that he ceases to be entitled to the performance of his caste-functions.—(172)

VERSE CLXXIII

A MAN WHO HAS HAD SEXUAL INTERCOURSE WITH NON-HUMAN FEMALES, OR WITH A MENSTRUATING WOMAN, —AND HE WHO HAS DISCHARGED HIS SEMEN IN A PLACE OTHER THAN THE FEMALE ORGAN, OR IN WATER,—SHOULD PERFORM THE '*Sāntapana Kṛchchhra*.'—(173)

Bhāṣya.

'*Non-human females*'—the mare and the like.

Though the *cow* also is 'non-human,' yet in connection with it, a distinct expiation has been laid down by Gautama (23. 12-13).—'For intercourse with a friend, a sister, a woman of the same *gotra*, the wife of the pupil, the daughter-in-law, and the cow, the expiation shall be equal to that for the violation of the Preceptor's bed, or that for the immoral religious student.' Between the two optional alternative expiations laid down by Gautama, viz., that prescribed for violating the Preceptor's bed and that for the immoral religious student,—one has to be taken as pertaining to cases where the act has been intentional, and the other to those in which it has been unintentional.

In Gautama's text, the term used is simply '*talpa*' (bed), which, in view of the context in which it occurs, must be taken as standing for the '*gurutalpa*' (Preceptor's Bed);—and the term '*avakara*' should be taken as standing for 'avakīrṇa' 'Immorality,' which, being the cause of the expiation, indicates the *expiation* itself. The word '*sakhī*' (friend) in Gautama's text stands for a woman with whom friendship has been contracted in the same manner as with men; and it does not mean 'the wife of a friend'; since the feminine affix here does not denote relation to the corresponding masculine; nor can this term be construed with the term 'wife' (coming later); since between the two we have the term '*sayoni*' (sister). Vashiṣṭha

also uses the term in the same sense in the passage—'*Gurvī, sakhī*, etc.'

'*Menstruating woman*'—the woman who is in her monthly courses.

Another reading is '*pītvādharam puruṣah, etc.*' The sense remains the same.

'*Ayoni*'—a place other than the female organ.

Some people read (for '*jalē chaiva*') '*jalē khē cha*' [which means 'in water and in *Ākāsha*'].

'The *Ākāsha* being already included in the term '*ayoni*,' 'places other than the female organ,'—it need not be mentioned (by means of the word '*khē*'); as '*kha*' stands for *Ākāsha*, which certainly is 'a place other than the female organ.'

There is no force in this objection. As some people think that the presence of the term '*yoni*' (in the compound term '*ayoni*') indicates that the term stands for *other parts of the body*' [and under this view, the mention of *Ākāsha* would not be superfluous].

'*In water*'—directly.—(173)

VERSE CLXXIV

IF A TWICE-BORN MAN COMMITS AN UNNATURAL OFFENCE WITH A MALE, OR HAS INTERCOURSE WITH A FEMALE, IN AN OX-CART, OR IN WATER, OR DURING THE DAY,—HE SHOULD TAKE A BATH ALONG WITH HIS CLOTHES. —(174)

Bhāṣya.

In the case of such sexual intercourse, there should be immediate bath, with all the clothes on;—when it is committed in an ox-cart, or in water.—(174)

VERSE CLXXV

IF A *Brāhmaṇa* UNINTENTIONALLY APPROACHES A WOMAN OF THE *Chaṇḍāla* OR OTHER LOWEST-BORN CASTES,

—OR EATS HER FOOD, OR RECEIVES HER PRESENTS,—HE BECOMES AN OUTCAST; BUT IF HE DOES IT INTENTIONALLY, HE BECOMES HER EQUAL.—(175)

Bhāṣya.

There is expiation for approaching, for eating the food of, and accepting gifts from, women of the '*Chaṇḍāla*' caste, as also of the 'Mlēchchha' tribes inhabiting the boundaries of the land.

'*Becomes an outcast.*'—All that this means is that the expiation shall be heavier than the 'performance of the *Kṛchchhra* for one year,'—and not that the man actually becomes an *outcast.*

The partaking of the 'food' has been mentioned here for the purpose of indicating that the expiation in this case shall be the 'performance of the *Kṛchchhra* for one year,' and not that which has been laid down in connection with 'the eating of the food of persons whose food should not be eaten' (Verse 152).

Similarly the '*receiving of gifts*' also has been mentioned here for the purpose of indicating the said *Kṛchchhra* as the expiation, and not 'the drinking of milk in a cow-pen for a month' (which is going to be prescribed in Verse 194 below).

'*If he does it intentionally, he becomes her equal.*'—This is only a declamatory assertion intended to lay down an expiation. What has been asserted in another *Smṛti* text regarding the expiation for the intentional and unintentional act, has already been explained; how then could it be taken as meant to imply a heavier expiation?

'*Having taken food.*'—"With what is this to be construed?"

With the term '*Chaṇḍāla or other lowest-born caste.*'

"But this term is the subordinate factor in the compound ('*Chaṇḍalāntyastriyaḥ,*' where '*strī,*' 'woman,' is the predominant factor)."

It has been often shown that a subordinate factor also *may be construed with other words, when the sense demands* it. The text having said 'having taken the food,'—and the question arising as to *whose* food is meant,—as no one else is mentioned in the text, it naturally follows that it has to be taken with 'the Chaṇḍāla and other lowest-born castes.' The sense thus comes to be this—'If one eats the food of the Chaṇḍāla and the Mlechchha,—and if he receives gifts from them,—and approaches their women, etc., etc.'

The expiation here laid down is for approaching the woman only once. In the event of the act being repeated, the offender must become 'equal' to the woman, on account of his being disqualified (from all the privileges of his own caste). The sin of the repeated acts could not be atoned for by means of expiations; for every cause would have its effect; and all the expiatory rites—necessary for the atoning of the sin of the repeated acts—could not be performed during a single life-time.—(175)

VERSE CLXXVI

IF THE WIFE IS PARTICULARLY CORRUPT, HER HUSBAND SHOULD KEEP HER CONFINED IN ONE ROOM, AND SHOULD MAKE HER PERFORM THAT PENANCE WHICH HAS BEEN PRESCRIBED FOR MALES IN CASES OF ADULTERY.—(176)

Bhāṣya.

If she is '*particularly corrupt the husband should keep her confined*'—*i.e.*, keep her away from all the duties of a 'wife' such as 'the collecting of wealth' and so forth (described under 9. 11).

'*In one room*'—*i.e.*, she should be kept in chains, and should not be permitted to roam about at will in her husband's house.

While thus confined, she should be made to perform the necessary expiation.

"What expiation ?"

'*That penance which has been prescribed for males in cases of adultery*'—that is, in the case of a Brāhmaṇa, adultery, when committed upon a woman of equal or inferior castes, is to be treated as a 'minor offence,' which involves the corresponding expiation. So also in the case of men of other castes; but when these latter commit the act on a woman of a superior caste, the expiation for the Vaishya shall be double; it shall be triple in the case of a Kṣattriya misbehaving with a Brāhmaṇa woman. But for a Vedic scholar, the expiation shall be trebled;—when a Shūdra misbehaves with a Brāhmaṇa woman, the expiation is that which has been prescribed for 'heinous offences';—when a Vaishya misbehaves with a Kṣattriya woman, it is to be treated as a 'minor offence.' All this distinction has been explained under 'Punishments.' The rules regarding women misbehaving with men of inferior castes shall be the same as those relating to men misbehaving with women of superior castes.

But though the offence may be equal, the corresponding expiation for women shall be only *half* (of what is prescribed for males);—'women and sick men, boys up to the sixteenth year of age and men after or beyond the eightieth year are subject to only one-half of the prescribed expiation'—says a text.

The expiation is lighter in the case of a woman whose unchastity is well known. For instance, if one misbehaves with an unchaste low-caste woman, he should bathe along with his clothes and give a water-jar to a Brāhmaṇa; and if with a similar Vaishya woman, he should take food at the fourth meal-time and feed Brāhmaṇas; if with a Kṣattriya woman, he should fast for three days and should give a *yavāṭaka.* It has also been declared that he may be treated like a Vaishya. The same should be understood to be the case with the wife of a Shūdra. In connection with people having intercourse with women during their courses or bringing about their

conception, it has been declared that—'if women of the Brāhmaṇa, Kṣattriya and Vaishya castes, have intercourse with a Shūdra, they could be purified by expiations, if they have not conceived,—not otherwise.'

In the case of women who have not been wedded by any one, and live by prostitution, it is doubtful whether or not an expiation is necessary for having intercourse with them.

"Why should there be any such doubt?"

Because the term '*dāra*,' 'wife,' connotes consecration (a woman who has passed through the sacrament of marriage); and when no marriage has been performed, the woman cannot be called any one's 'wife'; and expiations are necessary only in the case of intercourse with the '*wife*' *of another person.* This would lead us to the conclusion that in the case in question no expiation is needed. On the other hand, since it has been laid down that 'one should remain attached *to his own* wife,' we think that there should be expiation in the case in question (as it involves infidelity to one's own wife).

"What then is the right view on this point?"

The right view is that expiation *is* necessary.

"Why so?"

Because the restriction (that one should be devoted to his own wife) has been directly *enjoined*, and expiation has been declared to be necessary in the case of one's omitting to do what has been *enjoined* (11. 44). Even though the offence may not fall under the category of 'minor offences,' yet that does not mean that there is to be no expiation. The various kinds of offences—'minor offences,' 'offences leading to loss of caste,' and so forth—have been enumerated, not by way of an exhaustive list (of offences requiring expiation), but only for the purpose of indicating the necessary expiations. The condition common to all offences has been summed up as—'omitting to do what is enjoined, etc., etc.' (11. 44). The case of the 'wanton' woman has been already explained, and the prostitute also is an 'unchaste woman.'

"As a matter of fact, only that woman is to be called 'another's wife,' '*paradāra*' (in connection with the present context) who has intercourse with the paternal or maternal relations of her husband; and such women become known as 'wanton,' when they have intercourse with several men."

True; but to the prostitute also, the term '*svairiṇī*,' 'wanton,' is applicable on the basis of her *wantonness or want of self-control.*

Hence in the case of these, there should be both, bathing along with clothes, and also the giving of a water-jar.

In connection with adultery some people hold the following opinion—The avoiding of sexual intercourse is of the nature of a *vow*, and as such pertains, not to all men, but to the Accomplished Student; as it is in reference to him that the texts have set forth the section beginning with the words 'now his vow,' and ending with—'these vows he shall keep.' —(176)

VERSE CLXXVII

IF SHE HAPPENS TO BE CORRUPTED AGAIN, ON BEING SOLICITED BY A MAN OF EQUAL CASTE,—THEN THE *Kṛchchhra* AND THE *Chāndrāyaṇa* WOULD BE THE MEANS PRESCRIBED FOR HER PURIFICATION.—(177)

Bhāṣya.

'*On being solicited*' by a man of equal caste,—if she happens to have sexual intercourse again, then, inasmuch as this would be a 'minor offence,' the '*Chāndrāyaṇa*' would be the natural expiation for her. Even so, the Chāndrāyaṇa has been mentioned again in the present verse, in order to imply that the other expiations prescribed for 'cow-killing' (which is a typical 'minor offence') are not applicable in the present case,—and also that the complete *Chāndrāyaṇa* has to be performed.

Though the latter half of the verse would seem to imply that 'intercourse with all women apart from one's own wife involves

the same expiation,' yet as a matter of fact, such is not the case; as special penalties have been laid down in connection with the following women:—'mother, mother's sister, mother-in-law, maternal aunt, father's sister, wife of the paternal uncle, wife of a friend, wife of a pupil, sister, sister's friend, daughter-in-law, daughter, teacher's wife, a woman belonging to one's own *gotra*, a woman-refugee, a queen, a mendicant woman, a chaste woman, one's nurse, a woman belonging to a higher caste.' From among these, as regards the mother, the proper expiation has been already explained (under the 'heinous offence' of 'Violating the Preceptor's Bed');—in connection with those beginning with the 'mother's sister' and ending with 'daughter,' the expiation shall be the performance of the *Kṛchchhra* penance for one year;—and in the case of the rest, the performance of *Chāndrāyaṇa.*

Question—"Those that have been mentioned here as belonging to the same *gotra*,—does this mean those that are born in the same *gotra* as the man? Or those that have been married to the same *gotra*?"

The answer to this is that both are meant; since we find texts indicative of both views.

'*Gotra*' means *family, paternal line*; and if *women of the same paternal line* be meant, then the separate mention of the 'father's sister,' would be superfluous, as she 'belongs to the same paternal line.' If, on the other hand, the woman be held to be one who belongs to the *gotra* of the person to whom she has been united, then they should be spoken of as belonging to their husband's *gotra*; and in that case, the separate mention of the 'wife of the paternal uncle' becomes superfluous; as in the said sense she would be 'of the same *gotra*' as the man concerned. Thus then, there being nothing to indicate which one of these two views is meant, we take the term as referring to both. The common view, however, is that what are meant here are women whose husband's *gotra* is the same as that of the man concerned.

Some people have held that—"In connection with the performance of Shrāddhas, women belong to their father's *gotra*." But this is restricted to *Shrāddhas* only. Or, we may take it as referring to other cases also, if we find a text directly saying so.—(177)

VERSE CLXXVIII

WHAT A TWICE-BORN MAN COMMITS BY DALLYING WITH A *Chaṇḍālī* FOR ONE NIGHT,—THAT HE WIPES OFF IN THREE YEARS, LIVING ON ALMS AND CONSTANTLY REPEATING (SACRED TEXTS).—(178)

Bhāṣya.

The term '*vṛṣalī*' here stands for the *Chaṇḍālī*.

Since the expiation prescribed is a heavy one, it should be understood as meant for the act done intentionally and repeated twice. In other cases the expiation would consist in the performance of the *Kṛchchhra* for one year.

Since the text contains the term '*for one night*,' what is said here must be taken as referring to a man who sleeps with the woman and spends the whole night with her.

'*Dallying*' means *enjoyment*.

The term '*vṛṣalī*' has been used here as a deprecatory word, and not in the sense of the particular caste (*Chaṇḍāla*).

'*What he commits*'—The sin that he brings on.

'*That he wipes off in three years*'—destroys it.

'*Living on alms and constantly repeating sacred texts*.'—As no particular texts have been specified, they say that the words repeated should be expressive of his deed (?). Others, however, have held that the words repeated shall be, not ordinary ones, but those occurring in the *Mantra* and *Brāhmaṇa* texts, to be selected according to the man's own predilections. That this is so follows from the fact that, where the *repeating of the sacred texts of the Ṛg-Veda* has been

prescribed (in 11. 262) as a general means of purification, no particular texts have been specified.

Some people explain the term '*vṛṣalī*' as standing for the *Shūdra* woman, and declare that dallying with her for three months is what is meant.

But this cannot be right. Because marrying a Shūdra woman is not permitted; and as for a wanton woman, the expiation in her case is a light one; and intercourse with other kinds of Shūdra women would fall under the category of 'Minor Offences,' for which the expiation laid down in the present verse would be too heavy.—(178)

SECTION (20) EXPIATION FOR ASSOCIATING WITH OUTCASTS

VERSE CLXXIX

THUS HAS THE ATONEMENT FOR THE FOUR KINDS OF SINNERS BEEN SET FORTH; NOW LISTEN TO THESE (FOLLOWING) EXPIATIONS FOR THOSE WHO ASSOCIATE WITH OUTCASTS.—(179)

Bhāṣya.

The meaning of the verse is quite clear.—(179)

VERSE CLXXX

IF ONE ASSOCIATES WITH AN OUTCAST FOR ONE YEAR, HE HIMSELF BECOMES AN OUTCAST; NOT BY SACRIFICING FOR HIM, OR TEACHING HIM, OR FORMING A MATRIMONIAL ALLIANCE WITH HIM,—BUT BY WALKING, SITTING OR EATING.—(180)

Bhāṣya.

The term 'outcast' connotes disqualification in regard to the rites of twice-born men; the meaning is that he 'falls,' recedes, becomes deprived of, his rights.

'*Outcasts,*'—of the four castes, Brāhmaṇa and the rest;—'*if one associates with* them—*in one year he becomes an outcast,*' *i.e.*, he becomes equal to the outcast.

What is it that he is supposed to do when 'associating?'

'*Walking, sitting and eating*'—(*a*) 'walking' means conversing, touching the body and moving about in his company; similarly (*b*) 'sitting,' on the same bed, or on the same seat; and (*c*) 'eating,' on the same seat, or out of the same dish.

'*Sacrificing, teaching and forming matrimonial alliance,*'—it is with these that '*not*' has to be construed.

It becomes necessary to explain whether, by 'sacrificing' for an outcast, one does not become an outcast at all, or he becomes so in more or less than a year.

On the basis of other *Smṛti*-texts it is understood that by sacrificing for an outcast, one becomes an outcast *immediately.*

The right reading would be '*yājanādhyāpanam,*' with the Accusative ending;—as the nouns are meant to be governed by the present-participle term '*ācharan,*' which also indicates the reason for what is here laid down (for the purpose of the indication whereof the Ablative has been used). —(180)

VERSE CLXXXI

WHEN A MAN ASSOCIATES WITH ANY ONE OF OUTCASTS, HE SHOULD, FOR HIS OWN PURIFICATION, PERFORM THE SAME PENANCE THAT HAS BEEN PRESCRIBED FOR THAT OUTCAST.—(181)

Bhāṣya.

For the atonement of the sin of associating with an outcast, the same expiation is to be performed which has been prescribed for that outcast himself.

In '*ēṣam,*' '*of these,*' the Genitive has the sense of *selection*; the sense being—' From among these outcasts, if a man associates with any one,—in the manner described in the preceding verse,—he should perform that same expiation which has been prescribed for that same outcast;—for the purpose of purifying—removing—the sin begotten by that association.'

This last phrase '*for the purpose,* etc.,' serves only to fill up the metre.

As a rule, a man becomes *degraded* (an outcast) by repeatedly doing such degrading acts as not renouncing the

company of outcasts. Now there arises the question—Does this mean that the *degradation*—the *outcastness*—that attaches itself to the associating person is direct,—or is it only the degradation of the outcast that becomes attributed to him indirectly? If it is something new, then it behoves you to point out the authority for the assertion that '*there are five heinous offences*.' If it be held that in the case of the five, the degradation is *direct*, while in that of others it is *indirect*,—then there would be no point in making any such distinction. The acts being the same, the expiations being the same, what would be the use for attributing the degradation in one case, only *indirectly*?

Objection—Some people argue as follows:—"Usage does not always vary with purposes only, it varies on other grounds also. In the present case the distinction is based upon authoritative texts: For instance, in a case where, having asserted *degradation*, the text goes on to explain it as consisting in being deprived of the rights of twice-born men,—*e.g.*, in 182 below,—as the character is mentioned as belonging to the man himself, the *degradation* is *direct*; on the other hand, where the character is spoken of—either by name or by indicative words,—as due to relations with the outcast, it is *indirect*. For instance, in connection with the names '*Saurya*' and '*Āgnēya*,' no characteristic of the terms '*Sūrya*' and '*Agni*' is found to have been declared as belonging to the *Saurya* and the *Āgnēya*, on the basis whereof there could be any transference of details from one to the other, which could bestow any peculiar character on them. (*Vide* Mīmāmsa-Sūtra, 8. 1. 27—31).'

"This, however, is not right; because in the case cited, the terms '*Sūrya*' and the rest are all-powerful, since they form part of the Veda, which is not the work of an author. The present treatise on the other hand, is the work of a human author, and how can any such author propound a distinction which does not exist in fact? There may be some kinds of

distinction which may be admitted, when not opposed to well-known Perception or Inference. [But cannot justify the assuring of distinctions in all cases.] As for *repetition*, it means the doing of an act twice over; and it is in this sense that the term is used, even in cases where the act is repeated a hundred times; for in all cases, the character of 'repetition' is one and the same. In ordinary parlance also 'repetition' means only duplicating the act. So that whether an act is *repeated* twice, or a hundred times, the expiation due to 'repetition' shall be one and the same, as what is forbidden is a despicable deed; and whether a man sleeps twice during the day, or kills a cow more than once,—the condition that there is repetition of a despicable act is one and the same, which should lead to the same kind of 'degradation.' For these reasons what is here propounded needs to be pondered over—is open to doubt."

Answer—What is there that needs pondering over? That the five acts are sinful, leading to degradation, has been declared by all writers on *Smṛti*; as also that some other acts are similar to those five. There is no gainsaying these two facts; as for distinction among these, it can be made on the basis of 'the capacity of the agent, the nature of the offence,' and so forth (set forth in Verse 209 below). It can never be that what has been declared as *similar* to a certain act should stand on the same footing as that act itself; for instance, the cow cannot be the same as the *gavaya*. The fact of the matter is that on certain points the two acts differ between themselves, while on others they resemble, and hence come to be spoken of as 'similar.'

From all this it follows that those also who are *equal* to outcasts become 'outcasts,' themselves; and in this case the expiation would be just a little less than that in the case of actual outcasts.

In connection with the question of being deprived of rights and privileges, some people put forward the special

points that the man becomes deprived only of the right of performing the *Shrauta* rites, and not the *Smārta* ones.

It has been argued above that there would be no difference between doing an act twice and doing it a hundred times over. But as a matter of fact, there would certainly be a difference among the various degrees of repetition. How could the offence in both cases be of the same degree?

Another argument put forward is that—'Sleeping during the day and cow-killing, both being forbidden acts, there would be the same degree of 'degradation' involved in the repeated committing of both these deeds. But how can the deprecation of the two acts be said to be of the same degree;—when, as a matter of fact, we find a distinction between the degree of sinfulness clearly set forth in the corresponding declamatory passages? And there is multiplicity of expiation also in cases where the prohibition is exceptionally emphatic.

The rule on this point is this:—That there is 'degradation' brought about by the repeated performance of forbidden acts is not true of all forbidden acts; for instance Verse 11. 41 has declared that the killing of 1,000 animals of one kind is equal to that of a single animal of another; hence in several cases, even though a certain forbidden act may be repeated several times, there is no 'degradation' at all.—(181)

VERSE CLXXXII

WHEN ONE HAS BECOME AN OUTCAST, HIS *Sapiṇḍas* AND RELATIONS SHALL OFFER HIM 'WATER' OUTSIDE, ON AN INAUSPICIOUS DAY, IN THE EVENING, IN THE PRESENCE OF RELATIVES, PRIESTS AND ELDERS.—(182)

Bhāṣya.

When one has become an 'outcast,' and is unwilling to perform the prescribed expiation, they shall treat him as dead and offer to him the 'water-jar'; this is what the text lays down.

'*Sapiṇḍas*'—Relations on the father's side, up to the seventh degree.

Persons other than those who may be related to the man are called '*relations*,' which includes the *Sagotras* also.

'*On an inauspicious day*'—*i.e.*, on the fourteenth and such other days of the month.

'*In the evening*' —at sunset.

'*Relatives, priests, etc.*'—of the persons making the offering, as also of the outcast.—(182)

VERSE CLXXXIII

A FEMALE SLAVE SHALL OVERTURN A JAR FULL OF WATER WITH HER FOOT, AS IN THE CASE OF THE DEAD; AND THEY, ALONG WITH THE RELATIONS, SHALL OBSERVE THE 'UNCLEANLINESS' FOR THE DAY AND NIGHT.—(183)

Bhāṣya.

'*As in the case of the dead.*'—This is an injunction of what should be done (in the case of the dead).

The female slave shall overturn with her foot the water-jar, saying:—'This is for so and so' (naming the outcast).

After this has been done, it is necessary to observe 'uncleanliness' during the day and night.

'*Along with the relations.*'—They shall all sit in one place, for that day.

The naming of the '*female slave*' indicates that the *Sapiṇḍas* should not do it themselves.

"If that be so, and the Sapiṇḍas do not do this act themselves, what should be the difference between '*Sapiṇḍas*' and '*relations*,' in view of which it has been said that all this should be done in the presence of relations, priests and elders? Since all (*Sapiṇḍas* as well as *Relations*) would be helping the offering only by their *presence*, and thus acting like an indirect accessory."

It is not so; '*Sapiṇḍas*' and others of that class are the 'performers' of the act of offering in the sense that it is they that *direct* it; while 'Relations,' 'priests' and the rest are brought together only with a view to some spiritual effect.—(183)

VERSE CLXXXIV

THENCEFORTH SHALL CEASE ALL CONVERSATION WITH HIM, SITTING WITH HIM, HIS SHARING IN PROPERTY, AS ALSO ALL ORDINARY INTERCOURSE.—(184)

Bhāṣya.

This verse lays down how his relations shall treat the outcast after the 'water' has been offered.

'*Conversation*'—Talking with one another.

'*Property*'—Wealth. This also shall not be given to him.

'*Ordinary intercourse*'—Saluting at meeting and enquiring after health and so forth, bringing him home at marriages and other ceremonies, feeding him, and so forth.

"The cessation of all this is already implied in that of *conversation*."

What is meant by the last phrase includes also the dropping of all such courtesies as rising to receive him, leaving the seat and the likes; while 'conversation' stands for acts pertaining to the utterance of words only.—(184)

VERSE CLXXXV

THE RIGHT OF PRIMOGENITURE SHALL BE WITHHELD, AS ALSO THE ADDITIONAL SHARE OF PROPERTY DUE TO THE ELDEST; THE ADDITIONAL SHARE DUE TO HIM AS THE ELDEST SHALL BE OBTAINED BY HIS YOUNGER BROTHER, WHO IS SUPERIOR TO HIM IN QUALITY.—(185)

Bhāṣya.

'*The additional share of property due to the eldest.*'—In connection with this, the following objection is raised:—"The declaration that all property shall be withheld from him clearly implies the withholding also of the additional share due to the eldest."

In answer to this some people explain that the said *withholding* is reiterated in the present verse, for the purpose of laying down that the said share shall devolve upon the younger brother who excels him in quality.

Others however think that the term 'Property' stands for all kinds of wealth, not for the *hereditary* property only; as in the lexicon we find '*dāyādya*' (which is the word used in the preceding verse) mentioned as a synonym for '*dhana*', 'property.' Hence what is meant by the withholding of 'property' from him means that one may not pay to him what may have been borrowed from him; what the debtor should do is to repay the same to the man's son, brother or other heirs.

Others again hold that the withholding of 'property' is meant to apply to the case where the property has not been previously divided, while what is meant by the present verse is that if division has already taken place, all that shall be taken away from him is only the additional share that he may have received by virtue of his being the eldest brother; so that even though the man may have sons, they shall inherit all the rest of his property, save the said additional share. —(185)

VERSE CLXXXVI

IF HOWEVER THE EXPIATION HAS BEEN PERFORMED, THEY SHALL BATHE WITH HIM IN A SACRED RESERVOIR OF WATER AND SHALL THROW INTO THE WATER A FRESH JAR FILLED WITH WATER.—(186)

Bhāṣya.

The present verse describes what sort of water-offering is to be made for one who has performed the prescribed penance.

'*They shall bathe with him in a reservoir of water,*'—in a sacred river, or in a large lake, or in some such sacred place as Prabhāsa, Mānasa and the like;—'*and throw a fresh jar full of water.*'

Since the present text speaks of the 'fresh jar' and the foregoing one speaks of the 'female slave,' it means that in the former case, the jar to be used should be one that has been already in use for other purposes. In both cases the jar is to be filled with water.—(186)

VERSE CLXXXVII

HAVING THROWN THAT JAR INTO THE WATER, HE SHALL ENTER HIS OWN HOUSE AND CARRY ON, AS BEFORE, ALL HIS FAMILY-FUNCTIONS.—(187)

Bhāṣya.

The jar has to be thrown again in the same water in which they have bathed.

Then taking him with them, the relations shall go to his house, and then, as before, go on with all such family-functions as dinner and the like.

According to others, '*he*' stands for the man who has performed the expiation; and under this view, the jar should be thrown by that same man.

This 'water-rite' is to be performed only in the case of the 'outcast' referred to in the present context, and not to other kinds of 'outcasts,'—such as those described under 8. 389— 'one who abandons his father, one who kills the king, one who sacrifices for the *Shūdra*' and so forth. --(187)

VERSE CLXXXVIII

This same method is to be adopted also in the case of female outcasts; but clothing, food and drink shall be supplied to them and they shall live close to the house.—(188)

Bhāṣya.

'*This same method is to be adopted in the case of female outcasts,*'—of women who have become outcasts.

Even in the case of such female outcasts as have not performed the expiation, and to whom 'water' has been offered, in the manner of a dead person,—food and clothing shall be supplied. Inasmuch as the text uses the word '*dāna*,' what is meant is that she is to receive just enough food and clothing to keep her body, and she shall not be supplied with any articles of luxury.

'*Drink*'—From the very propriety of the case, this stands for *water*. But, even if it was not supplied, she could get it in any quantities. What is meant therefore by its mention is that the man supplying her with it shall not do it in an affectionate manner.

Food and clothing also should be of the same inferior quality as the drink. Says *Yājñavalkya* (1. 70)—'One should deprive the unchaste woman of her rights, let her remain dirty, living on mere morsel of food, despised, and sleeping on the ground.'

The conditions that render women 'outcasts' are the same as those in the case of men. As for what has been said in connection with those who procure abortions—'in cases of abortion, the woman does not incur a heavier guilt— etc., etc.' what this means is only that both the man and the woman are equally guilty, and it does not mean that in cases other than this, the woman incurs a heavier guilt. Says Yājñavalkya (3. 298)—'Intercourse with inferior men, abortion, and

injuring the husband are to be regarded as acts that degrade (render outcasts) women in particular.'

'*They shall live close to the house.*'—What is meant by the phrase 'close to the house' is that they shall be turned out of the main building and allowed to live in a separate hut.

Some people say that lodging close to the house is to be given to only those who are performing the expiation, and not for others.

But this is not right. Because what is really meant is that the supplying of food and clothing would be easier if she dwelt close by. While during the time that she is undergoing the expiation, she would be living on alms, or milk, or performing the *Chāndrāyaṇa* and other penances. And the rule regarding living on alms cannot be regarded as set aside by what is said in the present text; as the only purpose served by the present text is to prescribe the means of subsistence.

From all this it follows that what the verse means is that food and clothing, etc., have to be supplied also to that female outcast who, either though incapacity or on account of some other cause, is not in a position to perform the expiatory penance.—(188)

VERSE CLXXXIX

ONE SHALL NOT CARRY ON ANY BUSINESS WITH UNEXPIATED SINNERS; BUT IN NO CASE SHALL HE DESPISE THOSE WHO HAVE PERFORMED THE EXPIATION. —(189)

Bhāṣya.

'*Sinners.*'—This stands for the '*outcasts,*' as is clear from the context. So long as these are '*unexpiated*'—unclean, not having performed the prescribed expiations,—'*one shall not carry on any business,*'—such as borrowing, selling, buying, sacrificing and so forth.

'*Expiation*' is *purification*, wiping off of the sin. When this has been done, one should not '*despise*' the man. That is, no one should reproach one who has duly performed the prescribed expiation.—(189)

VERSE CXC

One shall not associate with murderers of children, ungrateful men, murderers of a refugee, and murderers of women,—even though they may have been duly purified.—(190)

Bhāṣya.

'*Refugee*'—He who, on being harassed by his enemies, or struck by some powerful person, seeks refuge with a person saying 'save me,'—or a man who has committed an offence and comes to a learned man saying—'save me; tell me what expiation I should perform.' Both these would be 'refugees.'

'*Ungrateful men*'—Those who forget the benefit that has been conferred upon them by some one, and try to injure him,—or one who spoils the effect of the benefit he has himself conferred upon some one, and tries to undo it by doing him harm. Though both these men would be '*kṛtaghna*' in the literal sense, yet in ordinary usage the name is applied to one who causes injury to his benefactor.

In this connection, there is no consideration of caste,—the only condition is that the persons murdered are 'children' and the like.

'*Women*'—Even though they be unchaste. Though in these cases the expiation shall be light, yet association with them is directly forbidden by the words of the text.

'*Association*'—Keeping company, living together.—(190)

SECTION (21)—EXPIATION FOR THE NEGLECT OF '*SĀVITRĪ*'

VERSE CXCI

THOUGH TWICE-BORN MEN TO WHOM THE *Sāvitrī* HAS NOT BEEN TAUGHT ACCORDING TO RULE, SHOULD BE MADE TO PERFORM THREE *Kṛchchhra* PENANCES AND THEN INITIATED IN DUE FORM.—(191)

Bhāṣya.

The time for the Brāhmaṇa's Initiation has been laid down as extending up to the sixteenth year of his age; and the present text lays down the expiation for transgressing this limit.

If to a Brāhmaṇa the *Sāvitrī* has not been taught—from the seventh to the sixteenth year of his age—the '*teaching of the Sāvitrī*' stands here for the sacrament of *Initiation*; hence the meaning is 'if the Initiation has not been performed at the said time'; similarly up to the twenty-second year for the Kṣattriya, and the twenty-fourth year for the Vaishya,—then after the lapse of this time, he should be made to perform three '*Kṛchchhra*' penances. Where the term 'Kṛchchhra' stands without an epithet, it means the *Prājāpatya* penance,—such is the well-known usage of *Smṛti.*

Others explain the '*Kṛchchhra*' here as standing for the *Kṛchchhātikṛchchhra.*

After these *Kṛchchhra* penances have been performed, he should be initiated.

'*In due form.*'—This is purely reiterative.—(191)

VERSE CXCII

WHEN TWICE-BORN MEN, WHO FOLLOW IMPROPER OCCUPATIONS, OR WHO ARE ABANDONED BY THE VEDA,

ARE DESIROUS OF PERFORMING EXPIATIONS—FOR THESE ALSO THIS SAME EXPIATION IS TO BE PRESCRIBED. (192)

Bhāṣya.

'*Who follow improper occupations*';—*e.g.*, Brāhmaṇas engaged in the service of a Shūdra. The *proper occupation* for each man is indicated by the livelihood that has been prescribed for him; occupations other than that would be '*improper*.' That occupation which is prescribed for twice-born men would be '*improper*' for persons other than twice-born.

'*Abandoned by the Veda*'—those who, though *initiated*, have not studied the Veda,—or having studied have forgotten it.

For those also there should be the '*three Kṛchchhras*.'

'*Are desirous of performing expiations*.'—This is purely reiterative; as people take to an action only when they have a desire for it.—(192)

SECTION (22)—EXPIATION FOR BRAHMANAS ACQUIRING PROPERTY BY IMPROPER MEANS

VERSE CXCIII

WHEN *Brāhmaṇas* ACQUIRE PROPERTY BY AN OBJECTIONABLE ACT, THEY BECOME PURE BY GIVING IT UP, AND ALSO BY REPEATING SACRED TEXTS AND PERFORMING AUSTERITIES.—(193)

Bhāṣya.

'*Objectionable.*'—Though the text uses this general term, it should be understood as standing for the 'accepting of improper gifts,' because what the next verse lays down refers to the particular means of acquiring property; what is said is that 'the man becomes absolved from the sin of accepting an improper gift.'

'*Giving it up*'—Relinquishing; renouncing all sense of ownership with regard to it, or actually giving it away. Unmindful of any spiritual or temporal benefits that might accrue from the relinquishment, he should deposit the property on the public road, saying—'anyone who wishes may take this from me';—or he may throw it away into a river or a pit or in some such place.

The exact forms of the 'repeating of sacred texts' and 'austerities' are going to be described in the verse referred to above.

Others read '*mānavāḥ*' ('men') in place of '*Brāhmaṇāḥ*,' and explain the verse as follows:—Any means of acquiring property that has been forbidden for a man—be he a twice-born or Shūdra—is '*objectionable*' for him. *E.g.*, it has been declared that—'The Brāhmaṇa or the Kṣattriya shall not take interest' (10. 117). For one who earns wealth by such

means, the expiation consists of 'giving up,' 'repeating of texts' and 'austerities,' all three combined. In the case of the Brāhmaṇa accepting an improper gift however, there is a special expiation as described in the following verse.—(193)

VERSE CXCIV

HAVING, WITH CONCENTRATED MIND, REPEATED THE *Sāvitrī* THREE THOUSAND TIMES, AND DRINKING MILK IN A COW-PEN FOR ONE MONTH, HE BECOMES ABSOLVED FROM THE SIN OF ACCEPTING AN IMPROPER GIFT.—(194)

Bhāṣya.

'*The Sāvitrī three thousand times.*'—Some people take this to mean that this should be done everyday; while others construe '*trīṇi*' with '*māsam*' [the meaning being that the whole is to run for *three months*]; so that the *mantra* would have to be repeated one hundred times everyday.

'*Cow-pen*'—the place where cows are kept.—(194)

VERSE CXCV

WHEN HE HAS RETURNED FROM THE COW-PEN, EMACIATED WITH THE FAST, AND HUMBLE, THEY SHALL ASK HIM —'FRIEND, DOST THOU DESIRE EQUALITY WITH US?' —(195)

Bhāṣya.

The mention of 'Emaciation' implies that he is to drink only a small quantity of milk.

'*Humble*'—sitting on his knees on the ground.

'*They*'—the learned Brāhmaṇas—shall ask him—'O friend, *dost thou desire equality with us?*' and add—'If so, you should never again disobey the scriptures, and accept improper gifts, through greed.' When thus addressed, the man should say—'forsooth' (as prescribed in the following verse). —(195)

VERSE CXCVI

HAVING SAID 'FORSOOTH' TO THE *Brāhmaṇas*, HE SHALL SCATTER GRASS TO THE COWS; WHEREUPON THEY SHALL ACCORD ADMISSION TO HIM AT A PLACE HALLOWED BY THE COWS.—(196)

Bhāṣya.

That place is said to be '*hallowed by the cows*' by which they pass to the pasture-grounds, or where they descend to a river or to a water-fall for drinking water.

'*They*'—the Brāhmaṇas—'*shall accord to him admission,*' *i.e.*, they shall take hold of his hand and bring him over near themselves.—(196)

VERSE CXCVII

IF ONE SACRIFICES FOR APOSTATES, OR PERFORMS THE OBSEQUIES OF STRANGERS, OR MALEVOLENT RITES, OR THE *Ahīna* SACRIFICE,—HE WIPES IT OFF BY THREE *Kṛchchhras*.—(197)

Bhāṣya.

'*Apostates*'—Those who have fallen off from the *Sāvitrī*; for such men, (*a*) if one performs the *Vrātyastoma*—which is a rite specially prescribed for them,—either by officiating at it as a priest or by directing it;—(*b*) or if he performs the '*obsequies*'—the rites performed in the cremation-grounds—'*for strangers*'—*i.e.*, for persons other than their parents or preceptor;—(*c*) or if he performs '*malevolent rites*'—such as the *Shyēnachit* sacrifice and the like;—or (*d*) if he performs the *Ahīna* sacrifice;—he becomes pure by performing '*three Kṛchchhras*.'

Others hold that what is here laid down does not refer to the *performer* of the 'malevolent' or 'Ahīna' sacrifices, but to those who officiate as priests at these sacrifices. It is for this reason that this same rule applies also to those who perform

sacrifices for apostates. As regards the performer himself, since he undertakes the performance in obedience to the Vedic injunction of the sacrifices concerned, how could they be liable to expiation for their act, so long as the performance has not been forbidden?

"As regards the *Ahīna* sacrifice, it is possible that it may have been undertaken in obedience to a Vedic injunction; but how can the same be said regarding the *Shyēna* and other malevolent rites? There is no such injunction as that 'one should kill his enemies'; all that the Veda says is that—'if one desires to encompass the death of his enemy, he should, for that purpose, perform the Shyēna and such malevolent rites.' And to the killing of an enemy one is prompted solely by impetuous desire, and the entertaining of such desire has been forbidden, by such texts as—'one should not seek to injure any living creature.' To the performance of the *Ahīna* sacrifices also people are prompted solely by impetuous desire; as only such people are entitled to it as entertain an eager desire for a definite reward;—but (there is this difference that) in this case neither the desire for the particular reward nor the action leading up to that reward is one that is forbidden. While in the other case in question (that of the Malevolent Rites), both are forbidden: as the general prohibition 'one should not injure living creatures' means that 'one shall undertake an act that leads up to the death of a living creature'; and it is such *death* which forms the result of the *Shyēna* and other malevolent rites. As regards the *Ahīna* on the other hand, there is no such prohibition as that—'one should not undertake an act that leads to heaven.'"

In answer to this, some people offer the following explanation:—It having been declared (11. 33) that 'speech is the Brāhmaṇa's weapon,' the encompassing of the death of an enemy by means of malevolent rites, becomes sanctioned by it. So that the Ahīna and the Malevolent Rite stand upon the same footing.

Thus then an expiation would appear to be necessary only for the priest officiating at these sacrifices (and not for the *sacrificer* himself).

"As a matter of fact all acts done with a purpose have been forbidden by the general text—'selfishness is deprecated' (2. 2)."

What this text means we have explained under that verse itself.

As a matter of fact, in connection with the *Ahīna*, there may be some Vedic texts sanctioning the act of officiating at it. As regards the Malevolent Rite on the other hand, there is impropriety on the part of the *sacrificer* also; as is indicated by such texts as—'Those who kill by means of the Jyotiṣ, etc., etc.'; and it is for this reason that expiations also have been prescribed in this connection.

So far as the present verse is concerned however, it can be taken as referring to the priests officiating at the Malevolent Rite.

'*Malevolent Rite*,' '*abhichāra*,' is the name given to the encompassing of an enemy's death by means of the repeating of sacred texts and the offering of oblations, prescribed in the Veda.—(197)

SECTION (23)—EXPIATION FOR THE ABANDONING OF REFUGEES

VERSE CXCVIII

IF A TWICE-BORN MAN HAS ABANDONED A REFUGEE, OR HAS TAMPERED WITH THE VEDA, HE ATONES FOR THAT OFFENCE BY LIVING UPON BARLEY FOR ONE YEAR.—(198)

Bhāṣya.

The '*refugee*' is of two kinds, as described above (under 190),—'*abandoning*'—discarding of him, if one is able to afford him protection (is sinful). This has been discussed before.

'*Tampered with the Veda*'—(*a*) Has studied it on a day on which it should not be studied;—or (*b*) has interfered with a man who is reading it in the correct form, by telling him some such thing as—'What are you reading?—You have mangled the text,'—or (*c*) through greed for wealth recites it, without being invited to do so. The Smṛti has declared that—'by reciting the Veda for gain one becomes degraded, says Manu.'—(198)

SECTION (24)—EXPIATION FOR DOG-BITE AND SIMILAR OFFENCES

VERSE CXCIX

When bitten by a dog, or a jackal, or an ass, or by a tame carnivorous animal, or by a man, or a camel, or a pig,—he becomes pure by 'breath-suppression.'—(199)

Bhāṣya.

'*Bitten*'—with the teeth.

'*Tame carnivorous animal*'—such as the cat, the ichneumon and so forth.—(199)

SECTION (25)—EXPIATION FOR THE MAN EXCOMMUNICATED FROM REPASTS

VERSE CC

FOR PERSONS EXCOMMUNICATED FROM REPASTS, THE PURIFICATION CONSISTS IN (*a*) EATING AT THE SIXTH MEAL-TIME, RECITING THE VEDIC TEXT, AND THE DAILY OFFERING OF THE '*Sākala Homa*,' FOR A MONTH.—(200)

Bhāṣya.

'*Excommunicated from repasts*'—as described in Discourse III; in connection with each one of whom, distinct expiations have been prescribed elsewhere.

For these there should be, *for one month*—(*a*) the reciting of the Vedic text, (*b*) the 'Sākala Homa' and (*c*) eating at the sixth meal-time;—all three combined.

The '*Sākala Homa*' is that which is offered with wooden sticks (?) and with the *mantra* '*Devakṛtasya*, etc., etc.' (*Vājasaneya-Saṃhitā*, 8. 13).

'*Daily*.'—This has been added in order to show that even after the reciting of the Vedic text has been finished, this offering shall be continued, till the end of the month.—(200)

SECTION (26)—EXPIATION FOR RIDING A CAMEL AND OTHER SIMILAR OFFENCES

VERSE CCI

IF A *Brāhmaṇa* INTENTIONALLY RIDES A CONVEYANCE DRAWN BY A CAMEL, OR ONE DRAWN BY ASSES,—OR IF HE BATHES NAKED,—HE BECOMES PURE BY 'BREATH-SUPPRESSION.'—(201)

Bhāṣya.

'*Uṣṭra-yāna*' is a cart to which a camel is yoked.

Riding on the camel itself would involve a heavier expiation,—in the shape of the repetition of 'Breath-control.'

'*Digvāsā*'—naked.

For the atonement of the offence of being naked, the man should bathe along with his clothes, and then perform the 'Breath-suppression.'—(201)

VERSE CCII

IF, ON BEING PRESSED, ONE PASSES BODILY REFUSE, EITHER WITHOUT WATER, OR IN WATER, HE BECOMES PURE BY BATHING IN HIS CLOTHES, OUTSIDE AND TOUCHING A COW.—(202)

Bhāṣya.

'*Without water*'—when water is not at hand, or not visible.

'*Pressed*'—overfull with excreta.

'*Bodily refuse*'—urine or ordure.

On '*passing*' these, one should bathe '*in his clothes*'—the clothes in which he committed the act.

'*Outside*'—the village.

'*Bathing*'—becoming immersed in water; and 'touching' a cow,—he becomes pure.—(202)

VERSE CCIII

FOR THE NEGLECT OF THE COMPULSORY DUTIES LAID DOWN BY THE VEDA, AND FOR THE OMISSION OF THE OBSERVANCES OF THE ACCOMPLISHED STUDENT,—THE EXPIATION IS FASTING.—(203)

Bhāṣya.

The duties laid down in the Veda are—(*a*) the *Shrauta* sacrifices, *Darshapūrṇamāsa* and the rest and (*b*) the *Smārta* rites of the Twilight Prayers and the rest. These latter also are regarded as 'laid down in the Veda,' because *Smṛtis* have their source in the Veda.

'*The observances of the Accomplished Student*'—*e.g.*, 'He shall not wear over-worn or dirty clothes' and so forth.

If these are omitted, the offender should fast for one day.

In connection with the omission of the *Shrauta* rites, some sacrifices have been prescribed by way of expiation; and with these the 'fasting' here prescribed is to be combined.

SECTION (27)—EXPIATION FOR HURTING AND INSULTING A BRAHMANA

VERSE CCIV

If a man has uttered the syllable 'hum' against a *Brāhmaṇa*, or has addressed a superior person as 'thou,'—he shall bathe, fast for the rest of the day and having saluted him, shall propitiate him.—(204)

Bhāṣya.

The syllable '*hum*' is uttered as a sign of anger and insult; *e.g.*, in such expressions as—'Keep quiet, hum! don't speak like this' and so forth;—the syllable '*hum*' being uttered by way of a prohibition.

'*Against a Brāhmaṇa*,'—be he older, or equal or younger, a pupil or a son.

Similarly—'*if he addresses a superior person as "Thou,"*'—*e.g.*, 'Thou sayest so,' 'thou didst this.'

The expiation here laid down is for the use of the singular form of the pronoun '*Yuṣmat*'; and no significance is meant to be attached to the special Nominative-ending (in the term '*tvam*' here used). In actual usage, speaking to their superiors, people make use of such forms as '*Yuṣmāsu*' the Plural form (in the Locative).

'*Should bathe and fast*'—which means the dropping of the morning-meal.

'*Having saluted*'—fallen on his feet,—'*he shall propitiate him*'—make him give up his anger—and then take his meal.—(204)

VERSE CCV

HAVING STRUCK HIM EVEN WITH A BLADE OF GRASS, OR HAVING TIED HIM IN THE NECK WITH A CLOTH, OR HAVING DEFEATED HIM IN AN ALTERCATION,—ONE SHALL BOW TO HIM AND APPEASE HIM.—(205)

Bhāṣya.

'*Having struck him with a blade of grass,*'—which may not cause any pain at all.

'*Having tied*'—ever so gently—'*him in the neck with a cloth.*'

'*Having defeated him in an altercation,*'—in an ordinary quarrel.

'*Bow to him*'—humbly,—and '*appease him.*'

This rule does not apply to scientific debates or wranglings.—(205)

VERSE CCVI

IF, WITH THE INTENTION OF INJURING A *Brāhmaṇa*, ONE HAS THREATENED HIM, HE SHALL REMAIN IN HELL FOR A HUNDRED YEARS; AND FOR ONE THOUSAND YEARS, IF HE HAS STRUCK HIM.—(206)

Bhāṣya.

This is a prohibition of *threatening*; the rest is purely declamatory.

'*Jighāṁsayā*'—with the intention of injuring, if one raises a stick or some such weapon,—'*he remains in hell for a hundred years*';—and '*for one thousand years, if he has actually struck him.*'

'*With the intention of injuring*'—*i.e.*, not in mere joke. —(206)

VERSE CCVII

AS MANY PARTICLES OF DUST ON THE GROUND AS *Brāhmaṇa's* BLOOD COAGULATES, FOR SO MANY

THOUSAND YEARS WILL THE SHEDDER (OF THAT BLOOD) LIE IN HELL.—(207)

Bhāṣya.

'*Brāhmaṇa's blood*'—falling on the ground as the result of the stroke of the stick or other weapons;—'*as many particles of dust this coagulates,—so many thousand years will the shedder*' of that blood dwell in hell.

This also is purely declamatory.—(207)

VERSE CCVIII

ON THREATENING A *Brāhmaṇa*, ONE SHALL PERFORM THE *Kṛchchhra*; ON STRIKING HIM, THE *Atikṛchchhar*, AND ON SHEDDING HIS BLOOD, BOTH THE *Kṛchchhra* AND THE *Atikṛchchhra*.—(208)

Bhāṣya.

This propounds the expiation for the offences described above.

The 'shedding of blood' spoken of here is something different from 'causing pain to a Brāhmaṇa' mentioned above (under 67); or the two may be regarded as optional alternatives.—(208)

SECTION (28)—GENERAL EXPIATION—COVERING ALL UNSPECIFIED CASES

VERSE CCIX

For the atonement of offences for which no expiation has been prescribed, one should fix an expiation after taking into consideration the man's capacity and the nature of the offence.—(209)

Bhāṣya.

For those wrongful deeds for which no expiation has been prescribed,—*e.g.*, the killing of men belonging to the mixed castes of the reverse order, such as the *Chaṇḍāla* and the like,—'one shall fix the expiation.'

"In the present work itself, it has been declared that—'for killing animals with bones, one may give something to a Brāhmaṇa' (Verse 141); and this should include the *Chaṇḍāla* and others."

In that verse, inasmuch as the said animals are spoken of along with 'boneless animals,' it follows that only very small animals are meant; and what is there laid down cannot apply to animals with very large bodies (such as human beings, etc.).

"It having been declared that there are only *four castes*, and no *fifth* one, the *Chaṇḍāla* and other inversely mixed castes should all fall under the 'Shūdra.'"

Simply because there is no *fifth caste*, it does not follow that the men in question must be *Shūdras*. Since everyone of these has a distinct characteristic of his own. For instance, 'the Shūdra is born of a Shūdra father from a married wife of the same caste,' while the others in question are all born of

mixtures of castes. Consequently the expiation for the killing of these cannot be the same as that for the killing of a *Shūdra.* Nor could it be met by the 'giving away of something to a Brāhmaṇa.'

'*Capacity*'—of the offender to perform penances; *i.e.*, it shall be considered whether the man is capable of performing a *penance* or making *gifts.*

'*Nature of the offence*'—that is, for *causing injury to living creatures*, it shall be the expiation definitely prescribed for that offence; similarly for *eating improper food*; and so forth. Similarly the relative heaviness or lightness of the offence should also be taken into consideration.

"How can the *heaviness* or *lightness* of a certain offence be determined? If it be held that it could be determined by the heaviness of the expiation prescribed for it,—then, it has to be borne in mind that what is asserted here refers to offences in connection with which no expiations have been prescribed."

True; but an offence would be recognised as *heavy* when the declamatory passage in connection with it would be found to speak of grave evils attending it; as also when it would be found to be committed intentionally.

Further, the present text does not necessarily refer to only such offences as have no expiations prescribed for them. In fact, in other cases also the exact expiation shall be determined by considerations here set forth.

"How do you get at this?"

We deduce this from the fact that *Expiation* and *Punishment* stand on the same footing; and in connection with Punishments, the said considerations have been held to apply to the cases in connection with which definite punishments have been laid down, as well as those in connection with which no punishments have been definitely prescribed. Further, inasmuch as the texts have all along spoken of the comparative heaviness and lightness of offences, the determining of the

exact expiation must depend upon the said considerations. For these reasons it follows that what is here stated applies to all cases—those in connection with which special expiations have been prescribed, as also those in connection with which they have not been prescribed.—(209)

SECTION (29)—DESCRIPTION OF THE EXPIATORY PENANCES

VERSE CCX

I AM NOW GOING TO DESCRIBE TO YOU THOSE METHODS, ADOPTED BY GODS AND SAGES AND *Pitṛs*, BY MEANS OF WHICH A MAN MAY WIPE OFF HIS SINS.—(210)

Bhāṣya.

"The methods have been already described: 'In such and such case it shall be the Chāndrāyaṇa,' 'in that the Prājāpatya,' and 'in that other the Twelve-year-long Penance,' and so forth."

True; but they have been only named; it is now that they are going to have their forms and procedure described.'

'*Abhyupāya*' is the same as '*upāya*,' '*method*.'

'Wipes off'—washes off.

'*By gods, etc.*'—This is purely commendatory.

'*Man*.'—This term is used in order to show that what is spoken of pertains to all castes.—(210)

VERSE CCXI

THE TWICE-BORN, WHO IS PERFORMING THE *Prājāpatya*, SHALL EAT IN THE MORNING FOR THREE DAYS, THEN IN THE EVENING FOR THREE DAYS, THEN FOR THREE DAYS FOOD GOT UNASKED, AND FOR THE NEXT THREE DAYS HE SHALL NOT EAT.—(211)

Bhāṣya.

Though it is the opening of the day that is called '*morning*,' yet here the term stands for the *forenoon*.

This rule regarding eating *in the morning* precludes eating at random. It is only at midday that such random meals could be obtained unasked from people who would offer such meals in accordance with the rule that 'gifts to men shall be made at midday.' If this could be laid down as to be done in the *morning,* then the midday meal would be precluded, but not the evening meal. Thus between the two optional meals—of the morning and the midday—if one of them is further emphasised, the other becomes excluded. And this would be only right, since it is a penance that is prescribed here;—taking a single meal during the day having been mentioned among 'penances.' And it is also a '*tapas,*' an austerity, in the sense that it *causes inconvenience,* '*tāpayati.*' If the second meal were to be precluded, it would be the evening meal that would be so.

Others have held that when the text says that 'one should have sacrificial food in the morning,' what is meant is that only *a small quantity* of food shall be taken. Because people who are in the habit of an early breakfast have only a light meal in the morning, and when the man takes his meal only when the cooking has been finished, he is said to be an 'ordinary eater.'

'*In the evening*'—during the next three days.

After that, for three days, he is to live upon 'sacrificial food'; since writers on Smṛti have declared that—'Having eaten a little one should retire to rest.' In the case of eating '*food got unasked,*' also, the food shall consist of 'sacrificial food' and shall be taken once only. In one's own house also, when food is obtained by ordering the servants to 'fetch food,'—it is food got *after asking* (not 'unasked'), as 'asking' stands for any form of *request,* and is equally applicable to *orders* and *requests* also. So that in one's own house also the man shall eat only that which his wife and others bring to him without his asking for it,—and not anything else. —(211)

VERSE CCXII

TAKING COW'S URINE, COW-DUNG, MILK, CURDS, CLARIFIED BUTTER, KUSHA-WATER, AND FASTING FOR ONE DAY, —HAS BEEN DECLARED TO BE '*Sāntapana Kṛchchhra.*'—(212)

Bhāṣya.

They say that on one day there should be a combination of *cow's urine* and other things down to '*Kusha-water*'; and this is to be followed by *fasting for one day.* Thus the '*Sāntapana*' lasts for two days.

Others hold that each of the things named has to be eaten on one day,—as no combination is found mentioned anywhere;—and according to this view, the '*Sāntapana*' would last for *seven days.* Both these views have been held by another *Smṛti text.*—(212)

VERSE CCXIII

THE TWICE-BORN MAN WHO IS PERFORMING THE '*Atikṛchchhra*' SHALL EAT ONLY ONE MOUTHFUL AT EACH OF THE THREE TIMES MENTIONED ABOVE, FOR THREE DAYS,—AND SHALL FAST DURING THE LAST THREE DAYS.—(213)

Bhāṣya.

'*Mentioned before.*'—This refers to what has been said in connection with the 'Prājāpatya.'

At each of these times, he shall eat one mouthful.—(213)

VERSE CCXIV

THE *Brāhmaṇa* WHO IS PERFORMING THE '*Tapta-Kṛchchhra*' SHALL DRINK HOT WATER, HOT MILK, HOT CLARIFIED BUTTER AND HOT AIR,—EACH FOR THREE DAYS; BATHING ONCE AND HAVING HIS MIND CONCENTRATED.—(214)

Bhāṣya.

At the same time as stated above, he shall drink water and other things,—in quantities just enough not to satiate him. In some places we find the exact measure laid down—'of water he shall drink three *palas*, of clarified butter, one *pala*, of milk he shall drink two *palas*, and of hot air, three *palas*.'

'*Bathing once.*'—This is an exception to the general rule that one shall bathe thrice during the day and thrice during the night.—(214)

VERSE CCXV

IF A MAN, SELF-CONTROLLED AND GUARDED, FASTS FOR TWELVE DAYS,—THIS CONSTITUTES THE '*Kṛchchhra*' NAME '*Parāka*', WHICH REMOVES ALL SINS.—(215)

Bhāṣya.

'*Self-controlled*'—with the senses under control, not longing for music and such amusements.

'*Guarded*'—ever bent upon the penance.

This is purely commendatory, being common to all forms of '*Kṛchchhra*' (and not restricted to the *Parāka only*).—(215)

VERSE CCXVI

IF ONE REDUCES HIS FOOD BY ONE MORSEL DAILY DURING THE DARK HALF OF THE MONTH, AND INCREASES IT DURING THE LIGHT HALF,—BATHING AT THE THREE 'EXTRACTIONS,'—IT IS WHAT HAS BEEN CALLED THE '*Chāndrāyaṇa*.'—(216)

Bhāṣya.

Having fasted on the fourteenth day, on the next day, or the Full moon-day, he shall take fifteen morsels; the exact measure of the 'morsel' in this connection should be understood to be as mentioned in another *Smṛti* (Gautama, 27. 10),

the words '*āpyāyasva*......the measure of the *morsel* being the quantity that does not distort the face.' As all the *Smṛtis* deal with the same subject, they should be taken as mutually complementary, so long as there is no inconsistency; and in cases of inconsistency, the two views should be taken as optional alternatives.

Beginning with the first again, he shall reduce his food by one morsel each day,—taking fourteen morsels on the first, thirteen on the second, and so on, till on the fourteenth he takes only one morsel. Then having fasted on the New-moon day (the fifteenth), he shall eat only one morsel on the first, two on the second, and so on increasing it by one morsel everyday, till it comes to fifteen on the Full-moon day.

'*Upasprshan*'—bathing.

'*At the three extractions*'—*i.e.*, in the morning, at midday and in the evening. This precludes the general rule that 'the man shall bathe thrice during the night,'—the present being a special rule.—(216)

VERSE CCXVII

THIS SAME METHOD SHALL BE ADOPTED IN THE 'YAVAMADHYAMA' PENANCE, BUT BEGINNING IT IN THE BRIGHT HALF OF THE MONTH; AND IT IS WITH A CONTROLLED MIND THAT ONE SHOULD PERFORM THE '*Chāndrāyaṇa*' PENANCE.—(217)

Bhāṣya.

In the '*Yavamadhyama*,' the man shall fast on the New-moon day and then take one morsel on the first (of the bright half), two on the second, and so on, till fifteen are taken on the Full-moon day; then beginning with the first of the dark half of the month, he shall reduce it by one morsel daily, till there is fasting again on the New-moon day.—(217)

VERSE CCXVIII

ONE WHO PERFORMS THE '*Yati-Chāndrāyaṇa*' SHALL EAT DAILY AT MIDDAY EIGHT MORSELS, CONTROLLING HIMSELF AND EATING ONLY 'SACRIFICIAL FOOD.'—(218)

Bhāṣya.

Everyday he shall eat eight morsels,—beginning either with the dark or with the bright half of the month.

This is the '*Yati-Chāndrāyaṇa.*'

'*At midday*'—when midday has approached; that is, avoiding the forenoon and the afternoon.

The rest is clear.—(218)

VERSE CCXIX

THE *Brāhmaṇa*, WITH CONCENTRATED MIND, SHALL EAT FOUR MORSELS IN THE MORNING, AND FOUR WHEN THE SUN HAS SET;—THIS IS CALLED THE '*Shishu-Chāndrāyaṇa.*'—(219)

Bhāṣya.

Inasmuch as the term '*morning*' is used here along with '*the setting of the sun*,' it stands for the time of *sunrise.*

'*When the sun has set*'—in the evening.—(219)

VERSE CCXX

IF A MAN, WITH CONCENTRATED MIND, SOMEHOW EATS THRICE EIGHTY MORSELS OF 'SACRIFICIAL FOOD,' DURING A MONTH, HE ATTAINS THE REGIONS OF THE MOON.—(220)

Bhāṣya.

On one day he takes four morsels, on another twelve, on a third day he does not eat at all, on some day sixteen and so forth; this is what is meant by doing it '*somehow*' during the

thirty days. The only restriction is that during the month, '*thrice eighty*' morsels should be eaten; *i.e.*, two hundred and forty.

By doing this the man reaches the regions of the Moon.—(220)

VERSE CCXXI

The Rudras, *Ādityas* and the Maruts, along with the Great Sages, have performed this penance, for deliverance from all evils.—(221)

Bhāṣya.

All the gods have performed this penance, '*for deliverance from all evils.*'

What this means is that this penance is to be performed, not only in connection with the offences specified above, but in other cases also; as it has been declared (by Gautama, 19. 20)—'The Kṛchchhra, the Atikṛchchhra and the Chāndrāyaṇa constitute the *universal expiation.*'

In this connection there arises the question—"When the text speaks of the *universal expiation*, does it mean that a single performance of these atones for all sins? Or that they are to be repeated with each sin?"

The answer to this is as follows:—The reasonable view would be that the effect (in the shape of the expiation) should be repeated with the cause (the sin); but what the assertion in question refers to are those sins in regard to each of which no specific expiation has been prescribed, or those whose commitment may be only suspected, and not definitely ascertained;—now when the atonement is meant to be for such sins as are only suspected to have been committed,—when for instance, one is performing the *Kṛchchhra* in accordance with what has been declared (in Manu, 5. 21) to the effect that 'for the atonement of

unknown sins one should perform the *Kṛchchhra* at least once a year,'—inasmuch as the cause (the sin) would be uncertain, how could there be any repetition of the expiation with each individual offence? For instance, when one is turning his sides during sleep, he may kill several small creatures on the bed, or when he is walking on the road, he may look at the face of several women, till he reaches home;—in such cases the only right view could be that one performance of the expiation should atone for all these several offences. This has been explained by us under the text dealing with the expiation for the killing of 'boneless creatures' (140), where it has been shown that there is a single expiation for all the offences collectively. When, however, the offences concerned are grave ones,—we find distinct expiation prescribed in connection with each. But what Gautama has prescribed can apply to only such (unspecified) cases as have been mentioned above; and as the expiation is a heavy one, it would not be reasonable to prescribe it except in the case of repetitions. In the case of a number of suspected sins also, if no other definite offence intervenes, it would be only right to regard the single performance of the expiation as atoning for the whole lot of them. The following passage also shows that a single performance should do for a number of offences—'Whatever sin I may have committed during the night and during the day, what I may have done while I was awake and while I was sleeping, etc., etc.,'—when the repetition of the term '*what*' has been taken to mean that all the sins are atoned for collectively.—(221)

VERSE CCXXII

HOMA-OFFERINGS SHALL BE MADE BY THE MAN HIMSELF EVERYDAY, WITH THE '*Mahāvyāhṛtis*,' AND HE SHOULD PRACTISE HARMLESSNESS, TRUTHFULNESS, FREEDOM FROM ANGER, AND MERCY.—(222)

Bhāṣya.

What is here prescribed is to be done in connection with all offences.

In the case of all Homa-offerings, clarified butter is the material to be offered, whenever any other special substance is not prescribed.

'*Himself*.'—This precludes the alternative of having it performed by others.

Now we proceed to consider the question whether or not this offering is to be made in the *ordinary* fire, in the case of one who has not set up his own ritualistic fire. But first of all the question to be considered is why the offering should be made into a *fire* at all. What the name '*Homa*' etymologically indicates is only the act of *offering* ending with the *throwing* of the material; so that into whatever receptacle the material may be thrown, the act of '*Homa*' would be duly accomplished. Hence the Homa-offering may be made either on the ground, or in water or in fire. But for one who has set up the 'domestic fire' this offering shall not be made into the *ordinary* fire; as the offering of *Homa* in ordinary fires has been forbidden for such a man. It might be argued that—"the necessity of fire is deduced from actual usage.' But in that case, it would be necessary to find out what the actual usage is. The authors of *Gṛhyasūtras* have laid down the Homa as to be offered, in connection with the performance of the *Kṛchchhra* penance, by persons who have set up the 'domestic fire,' and from this it follows that in the case also of one who has not set up the fire, the performance of the *Kṛchchhra* by way of penance cannot be done without the *Homa-offering*. For the man who has not set up the fire, there are no Homa-offerings, when the said penance is performed *for the purpose of bringing about prosperity* (and not by way of an expiation);—the desired result being obtained only by the performance of the act itself complete in its own details.

'*Harmlessness.*'—He shall not beat even such pupils and others who may deserve chastisement.

'*Truthfulness.*'—Even in joke, he shall not utter an untruth.

These two virtues, already known as conducive to the welfare of men, are here laid down as forming essential factors in the expiatory penance.

'*Ārjava*' is absence of harshness.—(222)

VERSE CCXXIII

THRICE IN THE DAY AND THRICE IN THE NIGHT SHALL HE ENTER WATER ALONG WITH HIS CLOTHES; AND HE SHALL NEVER CONVERSE WITH WOMEN, *Shūdras* AND OUTCASTS.—(223)

Bhāṣya.

'*Thrice in the day*'—*i.e.*, at the time of the three 'extractions'; as laid down by Gautama (26. 10)—'water shall be touched at each extraction.'

During the night also, he shall bathe at the three 'watches,'—leaving off the midnight one; as this last would not be a proper time for bathing.

'*The clothes*' along with which the man is to bathe should be the two pieces that one wears ordinarily as a matter of necessity.

'*Enter water.*'—This implies that the bathing is not to be done with water drawn from the well or tank.

'*With women*'—even of the Brāhmaṇa caste—'*he shall not converse*';—except with his mother, elder sister and other elderly relations. Conversation with one's wife on business-matters is not forbidden; but other kinds of conversation should not be carried on.—(223)

VERSE CCXXIV

HE SHALL PASS HIS TIME STANDING AND SITTING; OR IF HE IS UNABLE TO DO SO, HE MAY LIE DOWN ON

THE GROUND; HE SHALL REMAIN CHASTE, FIRM IN VOWS, WORSHIPPING HIS ELDERS, GODS AND *Brāhmaṇas.*—(224)

Bhāṣya.

He shall remain either seated or standing; he shall not lie down anywhere.

But if he is unable to do so, '*he may lie down on the bare ground,*'—not on a couch.

'*Chaste*'—avoiding sexual intercourse.

'*Firm in his vows.*'—Against all that is deprecated by the cultured, he shall take the vow—'I shall not do this.'

The '*worshipping*' of the elders and the rest shall consist in offering to them, with due humility, garlands, sandal-paint and such things.—(224)

VERSE CCXXV

HE SHALL CONSTANTLY REPEAT THE *Sāvitrī*, AS ALSO OTHER PURIFICATORY TEXTS, TO THE BEST OF HIS ABILITY. THIS SHALL BE DONE WITH DUE CARE, IN CONNECTION WITH ALL PENANCES PERFORMED FOR THE SAKE OF EXPIATION.—(225)

Bhāṣya.

'*Sāvitrī*'—*i.e.*, the *Gāyatrī* verse, '*tatsavituḥ, etc., etc.*' This text is everywhere spoken of as '*Sāvitrī*' (sacred to *Savitṛ*, the Sun), on account of *Savitṛ* being its presiding deity.

'*Purificatory texts*'—(1) *The* '*Aghamarṣaṇa Hymn,*' (2) the '*Pāvamānī Hymn*' and (3) the '*Puruṣa-Sūkta*'; as also the *Sāman* texts—'*Shukriyā,*' '*Rauhiṇēya,*' '*Adhyāyajana*' (?) and so forth.—In connection with the performance of all forms of *Kṛchchhra.*

'*With due care*'—intently.

'*This shall be done, etc.*' has been added only for the purpose of filling up the metre; as it is well-known that it is only such a man that can be entitled to the performance of penances.—(225)

VERSE CCXXVI

By means of these penances are those twice-born persons to be purified whose sins have become known; those whose sins have not become known, one shall purify by means of sacred texts and Homa-offerings.—(226)

Bhāṣya.

'*Those whose sins have become known*'—to the people.

'*These penances*'—the several kinds of *Kṛchchhra.*

Those who have committed secret sins are not to perform the *Kṛchchhra* penances; they should be purified '*by means of sacred texts and Homa-offerings.*'

"Who is to do this purification? If the Assembly, then in the case of secret sins the offender does not go to the Assembly; for if he did go, he would no longer be one 'whose sin is not known'; and further, only persons knowing the facts of the case are entitled to sit in the Assembly."

The answer to this is as follows:—The teacher does not mean to specify who is to do the purification; his sole purpose is to teach the pupils that such and such acts should be regarded as expiatory of secret sins.—(226)

SECTION (30)—CONFESSION AND REPENTANCE

VERSE CCVII

By confession, by repentance, by austerity and by study is the sinner freed from sin; as also by gifts in cases of difficulty.—(227)

Bhāṣya.

After the Brāhmaṇas have been apprized of it, the offender shall make his guilt known to others also; this would be '*confession.*'

'*Repentance*'—dejection of mind, finding expression in some such feeling as—'Woe to me that I committed such a misdeed! Useless has been my sinner's life'! and so forth.

'*Study*' here stands for the repeating of the *Sāvitrī*, or the reciting of the Veda, in cases other than those of injury to living creatures.

When a man is unable to perform the austerity, there shall be '*gifts.*' This is what is meant by the assertion—'*as also by gifts in cases of difficulty*'; which means that when the austerity causes great pain, the man may have recourse to gifts.—(227)

VERSE CCXXVIII

As a man, having committed a misdeed, goes on proclaiming it himself, so does he become freed from that sin, as a snake from its slough.—(228)

Bhāṣya.

This is a declamatory passage in support of the injunction of Confession.

In the expression '*naro-dharmam*,' an 'a' is to be understood between the two words. As the proclaiming of one's own righteous deeds has been forbidden—'one should not proclaim his own good qualities'; while it is '*adharma*,' '*sin*,' that forms the subject-matter of the context; and the text itself in the second half has the term '*adharmēṇa*.'—(228)

VERSE CCXXIX

As his mind goes on loathing the evil deed, so is his body freed from that sin.—(229)

Bhāṣya.

The '*body*' here stands for the *inner soul*, and not for the material body, as it is the former that forms the receptacle of virtue and sin. The term '*body*' therefore should be understood as used figuratively for the *soul*.

This is a declamatory passage in support of the injunction of 'Repentance.'

The meaning of '*loathing*' is well-known.—(229)

VERSE CCXXX

After having committed a sin, if one repents, he becomes freed from that sin; he becomes purified by the renunciation—'I shall not do so again.'—(230)

Bhāṣya.

Some people take the 'repentance' to extend up to the term 'renunciation.' But this is not right; as '*repentance*' consists in *mental depression*, while '*renunciation*' is in the form of the resolution 'such an act shall not be done again'; and that the two are distinct acts is shown by the past-participial affix '*ktvā*' in '*santapya*'—'after one has repented, then comes the *renunciation*.'

Thus then the sense is—'Like the expiation, the sinner should also do (*a*) the confession, (*b*) the repentance and the renunciation.

'*Becomes purified*'—obtains success.—(230)

VERSE CCXXXI

Having thus considered in his mind the results arising after death from his deeds, he should perform good acts, by his thought, speech and body.—(231)

Bhāṣya.

'*Thus*'—refers to the whole lot of injunctions and prohibitions.

'*Results arising after death from his deeds.*'—'The result of good acts is Heaven, and that of bad ones, hell, if expiations are not performed, and expiations are extremely painful,'—having thought over all this, '*he shall perform good deeds.*'

'*Good*' is that which is enjoined, as also the *determination*, or desire, to do it. Thus it is that, even though in the case of the prohibition 'one shall not injure living creatures,' what is expressed by the words is causing pain to others by the raising and letting fall of a stick or some other weapon, yet, on the strength of teachings like the present verse, it is taken as forbidding the *wish* to injure.

Similarly in the case of the eating of what should not be eaten. Though 'eating' is the name given to the act ending with the swallowing of food, yet even the mental act of desiring to eat has been forbidden.

Similarly also in the case of having intercourse with women with whom one should not have intercourse; though 'intercourse' really stands for the actual penetration of the organ, yet the act of mere willing to do the act has been forbidden by other texts.

"If such be the case with the acts of *killing*, *eating* and *intercourse*, then the expiation for the *desire* to do these should be the same as that for the actual acts themselves."

There is no force in this objection. So far as the killing of a Brāhmaṇa is concerned, what has been urged is certainly true; because of the assertion—'even though the man have not actually killed him, etc., etc.' In other cases, the right course to adopt would always be to accept the direct meaning of the words of the texts concerned. As regards prohibitions, on the strength of the said texts, they are taken as pertaining to the whole series of acts, beginning with the *desire* to act and ending with the actual act itself.

"If this be so, then, inasmuch as the liability to expiations has been made conditional upon the doing of 'a *forbidden* act' (11. 44), the expiation in each case would have to be in accordance with the prohibition (even on the mere desire to act)."

Who says that there is no expiation? All that the words imply is that in the case of the mere *will* to act, the expiation would be lighter than that in that of the actual act. This would be the right course to adopt in the course of all expiations.

"Whence is this particular rule obtained?"

From the very nature of prohibitions. In fact 'the expiations also, consisting in vows, restraints and pious acts, have their source in determination.' This last passage also refers to only Injunctions and Prohibitions. 'Vows' are of the nature of Injunctions and 'Restraints' of the nature of Prohibitions. And having their purposes have been fulfilled in these, the words need not be applied to other conditions and circumstances (?). In the case of all prohibitions however, the condition is present that the act is forbidden; whence it follows that an expiation is necessary. But the expiation (in the case of mere determination or desire) need not be the same as that in the case of the actual act.

All this we shall show under the verse 'coveting the property of others, etc., etc.' (12. 5)

VERSE CCXXXII

Either intentionally or unintentionally, if one has done a reprehensible act, he must not do it a second time, if he seeks absolution from the former.—(232)

Bhāṣya.

If after having performed the expiation for a certain misdeed, one commits the same act again, he becomes liable to a heavier expiation. It is in view of this that it is said that '*he must not do it a second time.*'

Or the words '*he must not do it a second time*' may be taken as a declamatory assertion commendatory of the 'renunciation of misdeeds' enjoined before (in 130);—the sense being that 'he shall not abandon his vow.'

Hence if one seeks absolution from the sin involved in the first transgression, he should not repeat the act. Thus what is meant is that merely by performing the expiation, one does not become freed from a sin, if he commits the same act again.

But it does not stand to reason that the man is not absolved from sin, both when he performs the expiation and when he does not perform it. Hence the assertion in the present verse must be taken simply as indicating that there is heavy expiation in the case of committing the deed over again.—(232)

VERSE CCXXXIII

If in regard to any act that has been committed, his mind be uneasy, he shall perform the penance prescribed for it until it brings peace to his mind.—(233)

Bhāṣya.

What the text means is that so long as the mind is not satisfied, one may go on doing even more penances than what has been actually prescribed.

When a misdeed has been committed, if there is in the mind a certain '*uneasiness*'—an uncomfortable feeling,—then, even though the prescribed expiation may have been performed, it should be repeated, till peace of mind has been secured.

The term '*penance*' here stands for *gifts* and other prescribed acts also.—(233)

SECTION (31) AUSTERITY—ITS VALUE

VERSE CCXXXIV

ALL HAPPINESS AMONG GODS AND MEN HAS BEEN DECLARED BY THE WISE ONES TO WHOM THE VEDA WAS REVEALED TO HAVE AUSTERITY FOR ITS SOURCE, AUSTERITY FOR ITS MIDDLE AND AUSTERITY FOR ITS END.—(234)

Bhāṣya.

In the world of men whatever '*happiness*'—in the form of glory of lordship over men and countries and so forth—or *physical*, in the form of good health and the like,—or *social*, such as that obtained from wealth, children and so forth—or the *sensual*, in the form of pleasures derived from the wife and others;—and also that of the gods,—what has been described in the Veda, in such passages as 'hundred pleasures of men constitute one pleasure of the gods';—of all this austerity is the '*source*,'—the cause of its origin.

Austerity is its '*middle*.'—The continued existence of a thing is called its '*middle*.'

Similarly Austerity is its '*end*.'

The view of persons learned in the Veda is that Austerity brings about the same desirable results, in the form of Heaven and other desirable things, as those brought about by the sacrificial and other acts.—(234)

VERSE CCXXXV

THE 'AUSTERITY' FOR THE *Brāhmaṇa* IS 'KNOWLEDGE'; THE 'AUSTERITY' FOR THE *Kṣattriya* IS 'PROTECTING'; THE 'AUSTERITY' FOR THE VAISHYA IS 'AGRICULTURE'; AND THE 'AUSTERITY' FOR THE SHUDRA IS 'SERVICE.'—(235)

Bhāṣya.

The foregoing should not give rise to the following idea—"Inasmuch as such great things are said of Austerity, by its means I can get all I want, even without doing the acts enjoined for me; specially as, on account of my not possessing the requisite materials, I am not in a position to perform all that is enjoined."

It would not be right to entertain this idea, because —'*the Austerity for the Brāhmaṇa is Knowledge.*' '*Knowledge*' here stands for the understanding of what is contained in the Veda; so long as the man does not acquire this, nothing can accomplish anything for him. Hence it is *Knowledge* that is called 'Austerity.'

What the verse means is that even in times of distress one should not neglect his duties.

'*Knowledge*' here stands for all the duties of the Brāhmaṇa, beginning with the study of the Veda.

Similarly '*protecting*' is the '*austerity*' for the Kṣattriya.

'*For the Shūdra, service*'—of twice-born men; it is the serving of these that has been prescribed for him; of which the present verse is only a reiteration.—(235)

VERSE CCXXXVI

IT IS BY AUSTERITY ALONE THAT SELF-CONTROLLED SAGES, SUBSISTING ON FRUITS, ROOTS AND AIR, SURVEY THE THREE WORLDS, INCLUDING ALL MOVEABLE AND IMMOVEABLE BEINGS.—(236)

Bhāṣya.

What this means is that it is due to Austerity that sages acquire the power to have super-sensuous cognitions.

'*Self-controlled*'—by the restraint of speech, mind and body.

'*Fruits and roots*'—stands for restraints on food.

By means of this Austerity, they survey, as if by direct perception, the whole of the three worlds.—(236)

VERSE CCXXXVII

MEDICINES, DRUGS, SCIENCE AND THE VARIOUS KINDS OF DIVINE CONDITION ARE ACQUIRED BY AUSTERITY; AS AUSTERITY IS THE MEANS OF THEIR ACCOMPLISHMENT.—(237)

Bhāṣya.

'*Medicines*'—metallic preparations.

'*Drug*'—potions tending to allay diseases.

'*Science*'—relating to elements and elementals.

'*Divine condition*'—the various kinds of power, of becoming *very small*, and so forth.—(237)

VERSE CCXXXVIII

WHAT IS HARD TO TRAVERSE, WHAT IS HARD TO ATTAIN, WHAT IS HARD TO REACH, AND WHAT IS HARD TO DO,—ALL THIS IS ACCOMPLISHED BY AUSTERITY; AS AUSTERITY IS IRREPRESSIBLE.—(238)

Bhāṣya.

'*Hard to traverse*'—that which can be traversed with difficulty; *e.g.*, some great trouble due to illness, or to attack by a powerful enemy. All this is easily met by ascetics.

'*Hard to attain*'—that which is got with difficulty; *e.g.*, the power to fly in the sky and so forth.

'*Hard to reach*'—*e.g.*, riding on the back of clouds and so forth.

'*Hard to do*'—*e.g.*, the granting of boons and pronouncing of curses; the reversing of these; as for instance Samvarta created another set of divine beings.

All this is accomplished by Austerity.

These three verses describe the fact that the *Kṛchchhra* penances are conducive to all kinds of prosperity and advancement.

"Inasmuch as the injunction of expiations forms the subject-matter of the present context, any praises bestowed upon *Kṛchchhra* must be taken as supplementary to that injunction; and it would not be right to take them as actually enjoining the penance itself as leading to prosperity. Nor is it impossible to take the present verse as a purely commendatory declamation,—the sense being—'the Kṛchchhra penances are so very effective that what is hard to traverse, such as the ocean and the like, become traversed by their means, wherefore then could they not wipe off sins?'"

Our answer to this is as follows:—In the *Gṛhyasūtras* and the *Sāmavidhāna*, we find the *Kṛchchhra* enjoined without reference to expiation; so that since such injunctions of the penance are not in the wake of any other enjoined act, the penance can certainly be taken as leading to prosperity and advancement. It has also been declared that—'Having performed these *Kṛchchhra* penances, one becomes accomplished in all Vedas, and becomes recognised by all the gods.' (*Gautama*, 26. 24). What is meant by 'becoming accomplished in the Vedas' is that the performer obtains that reward which is obtainable by the proper study, according to prescribed rules, of the Veda. This injunction that we have of the study of Veda, without reference to rewards, becomes fulfilled by the study of even a single Veda; so that when several Vedas are studied, this can only be regarded as bringing about special *merit*. The expression 'becomes recognised by all the gods' means that he obtains the results obtainable from the performance of all the sacrifices; if is only when a man performs sacrifices that he becomes 'recognised by the gods,' and not by performing *expiations*, which partake of the nature of *gifts* (not sacrifices). Further, what has been said in the present work in connection with the statement that 'for

the Brāhmaṇa, Austerity is knowledge' (236),—which was suspected of implying the omission by the Brāhmaṇa of all his duties,—is possible only if the penance in question be regarded as conducive to prosperity and advancement. As for expiations, they are meant to remove sins; they are not of the nature of acts performed for the attainment of desirable results; so that the scope of the two sets of acts being different, how could anything said in regard to expiations be suspected of leading to the omission of duties? If, on the other hand, the Kṛchchhra penances were conducive to prosperity and advancement, they would stand on the same footing as other acts tending to the same end; and it would be natural to suspect the omission of these latter. Thus we conclude that while the next verse speaks of these penances as destructive of sins, the present one speaks of them as conducive to prosperity and advancement; and these two sentences stand apart from each other; and it is only right that what is asserted by means of the 'sentences' should set aside what is only indicated by the context. It is in this sense that we have the following declaration of Dvaipāyana and other sages—'By the force of Austerities, powerful intellect and other excellences are acquired.'

From all this it follows that Austerities are conducive to all kinds of desirable results. In the case of the Vedic rituals, though it has been declared that 'the *Darshapūrṇamāsa* sacrifices are conducive to *all results*, the *Jyotiṣṭoma* is conducive *to all results*,' yet, from the very nature of persons undertaking the performance of these rites, the term 'all' in this declaration is taken as standing only *for all those results that have been declared as following from these sacrifices*, and not actually *all* results in the literal sense of the term. But in the case in question it is not so; what is said in the present verse has to be taken as literally true. —(238)

VERSE CCXXXIX

THOSE WHO HAVE COMMITTED HEINOUS OFFENCES, AS ALSO THOSE WHO HAVE COMMITTED OTHER MISDEEDS, BECOME FREED FROM THEIR SINS BY MEANS OF AUSTERITIES WELL-PERFORMED.—(239)

Bhāṣya.

The meaning of this verse has been already explained. —(239)

VERSE CCXL

INSECTS, SNAKES, MOTHS, ANIMALS AND BIRDS, AS ALSO IMMOVABLE BEINGS GO TO HEAVEN BY THE FORCE OF AUSTERITIES.—(240)

Bhāṣya.

This is a praise of Austerity.

By the force of austerity, beings go everywhere, reaching Heaven itself;—even such naturally incapable beings as *Insects* and the rest go to heaven by the form of austerity;—what of learned Brāhmaṇas?

What forms the basis of this assertion is the fact that the suffering that these insects and other beings experience by the very nature of their existence is the 'austerity' in their case; and when they have thereby destroyed their sins (on account of which they were born as insects, etc.) they go forward to heaven to which they are entitled by their good deeds in the past.—(240)

VERSE CCXLI

WHATEVER SIN PEOPLE COMMIT BY THOUGHT, WORD OR DEED,—ALL THAT THEY SPEEDILY BURN AWAY, HAVING AUSTERITY AS THEIR SOLE WEALTH.—(241)

Bhāṣya.

It has been declared in the *Smṛtis* that sins committed by thought, word and deed are wiped off by the repeating of sacred texts and the offering of *Homa;* from which it might be assumed that these are beyond the scope of Austerities. It is in view of such an assumption that the text proceeds to add this verse;—the sense being that the said sins also are wiped off by Austerities.—(241)

VERSE CCXLII

IT IS ONLY WHEN THE *Brāhmaṇa* HAS BEEN PURIFIED BY AUSTERITIES THAT HEAVENLY BEINGS ACCEPT THEIR SACRIFICES AND ADVANCE THEIR INTERESTS. —(242)

Bhāṣya.

Before undertaking a rite conducive to a desirable result, it is necessary to perform an austerity; it is this fact that is referred to here. To this end it has been declared that—'First of all one should perform austerities, and thereby become pure and sanctified; he then becomes fit for performing religious acts.' In the case of rites, where preliminary Initiation and such other rites are prescribed, these would constitute the necessary 'austerity'; also the penance that is prescribed in connection with certain rites, is an 'austerity,' and in such rites as are performed for the allaying of troubles, and obtaining of strength, and also the domestic rites,—it is necessary to perform an austerity, as a preliminary step. This is what the verse means.

The term '*Brāhmaṇa*' stands here for all those persons that are entitled to the performance of sacrifices, and are prompted by desire for their results.

It has also been declared elsewhere—'Unless a man has performed austerities, the gods do not accept his offerings, and until his offerings are accepted, his desires are not fulfilled.'

Though as a matter of fact, it is not the gods that bestow the results of sacrifices, yet, inasmuch as no 'sacrifice' can be accomplished without its 'deity,' it has been declared that *the gods 'advance the man's interests.'*

When the gods are described as 'accepting the offerings,' it is not meant that they actually take hold of the materials offered; all that is meant is that they do not refuse to be the recipients of the offerings.—(242)

VERSE CCXLIII

IT WAS BY MEANS OF AUSTERITY THAT LORD *Prajāpati* GAVE FORTH THESE ORDINANCES; AND IT WAS BY MEANS OF AUSTERITY THAT THE SAGES OBTAINED THE VEDAS.—(243)

Bhāṣya.

The composing of this work by Manu was due to the power of Austerity. Whoever is desirous to compose an equally respectable work should perform austerities before compiling the work.

Further, it is on account of Austerity that the Vedas are revealed to the sages.—(243)

VERSE CCXLIV

THE GODS, DISCERNING THAT THE HOLY ORIGIN OF ALL THIS LIES IN AUSTERITY, THUS PROCLAIM THE MAGNIFICENCE OF AUSTERITY.—(244)

Bhāṣya.

This sums up the praise of Austerity.

The '*magnificence*'—great efficiency—of Austerity that has been here described, is proclaimed by the gods, not only by men.

'*All this*'—refers to the world. The '*holy origin*' of the whole world, they discern in Austerity.—(244)

VERSE CCXLV

THE DAILY RECITATION OF THE VEDA, TO THE BEST OF ONE'S ABILITY, THE 'GREAT SACRIFICES,' AND 'TOLERANCE,' QUICKLY DESTROY ALL SINS,—EVEN THOSE DUE TO HEINOUS OFFENCES.—(245)

Bhāṣya.

This verse is asserting, in another way, the fact that Vedic Study and other compulsory duties are destructive of sins. And this appears to be meant for those acts in connection with which no specific expiations have been prescribed, or those that may have been committed unknowingly.

Others have held that this verse also should be understood as addressed to those who may be led to think that the injunction of Austerities in the present context means that Brāhmaṇas may omit all other duties; just the same contingency that was suspected in connection with the previous statement that 'for the Brāhmaṇa, knowledge is austerity' (Verse 235).

'Tolerance' has been mentioned as standing for all the qualities of the soul.

'*Even those due to heinous offences.*'—This term '*even*' appears to be commendatory; it does not mean that the heinous offences are actually set aside; and from all that has been said before it follows that what is meant is that these grievous sins cease to be immediately operative.—(245)

VERSE CCXLVI

JUST AS FIRE, IN A MOMENT, CONSUMES WITH ITS HEAT THE FUEL PLACED UPON IT, SO DOES THE MAN LEARNED IN THE VEDA DESTROY ALL SINS BY THE FIRE OF KNOWLEDGE.—(246)

Bhāṣya.

This is the praise of knowledge; and what we learn from this section of the text is that for the learned man purification is secured by a comparatively light expiation.

'*Knowledge*'—here means what is contained in the Veda, along with the esoteric explanations. Mere *knowledge* of the rules of Expiation cannot bring about purification. If it did, there would be no possibility of any one actually performing the rite. As for the knowledge of the real nature of gods and other things, and the knowledge of purely esoteric matters,—since this also is not acquired for any selfish purpose, it is only right that it should be destructive of sins. To this sense it has been declared—'Just as water does not touch the lotus-leaf, so does sin not contaminate the man who knows this.'—(*Chhāndogya Upaniṣad*, 4. 14. 3).

'*Fuel*'—wooden sticks.

Just as dry wood thrown into fire is quickly consumed, so does knowledge destroy all sins;—the only ground of similarity lying in there being *destruction* in both cases.

'*Learned in the Veda.*'—This serves to qualify the *knowledge* specially meant; so that the knowledge of Logic, Arts, Poetry and such subjects becomes excluded.—(246)

SECTION (32)—EXPIATION OF SECRET SINS

VERSE CCXLVII

THE DUE EXPIATION OF SINS HAS THUS BEEN DESCRIBED; LISTEN AFTER THIS TO THE EXPIATION OF SECRET SINS.—(247)

Bhāṣya.

This sets forth the connection between the preceding and present sections.—(247)

VERSE CCXLVIII

SIXTEEN 'BREATH-SUPPRESSIONS' WITH THE *Vyāhṛtis* AND THE *Praṇava*, PERFORMED DAILY, PURIFY, IN A MONTH, EVEN THE 'MURDERER OF THE EMBRYO' (*Brāhmaṇa*).—(248)

Bhāṣya.

'*Breath*'—is air moving along the mouth and the nostrils,—its '*suppression*' means its *suspension* and it is known as standing for the control of the air moving outwards, as also that proceeding inward.

'*Vyāhṛtis*'—the seven syllables ('*bhūḥ*' and the rest).

'*Praṇava*'—the syllable '*Om.*'

What the verse means is that 'one shall perform the breath-suppressions with the *Vyāhṛtis* and the *Praṇava.*'

'*Sixteen*'—is the number of repetitions of the act.

"What sort of association is there (between the breath-suspension and the syllables)?"

Some people say that what is meant is that 'after each suppression of breath, the Vyāhṛtis and the Praṇava should be repeated.'

Others declare that the syllable should be meditated upon during the time that the breath is suppressed.

"What is the time for each breath-suppression?"

It shall be continued so long as the suppression of breath does not begin to be painful.

'*Breath-suppression*' stands for what has been described under the names '*Kumbhaka*,' '*Pūraka*' and '*Rēchaka*,'—and not mere *suspension of breathing*. And for these there can be no restriction as to time.

'*Even the murderer of the embryo*.'—The term '*even*' is meant to include others also whose sins resemble that of 'murdering the embryo.'—(248)

VERSE CCXLIX

EVEN A DRINKER OF WINE BECOMES PURE IF HE RECITES THE 'KAUTSA HYMN,' BEGINNING WITH THE TERM 'AP,' OR THE '*Vāshiṣṭha* HYMN,' CONSISTING OF THE TRIAD OF VERSES BEGINNING WITH 'PRATI,' OR THE '*Māhitra* HYMN,' OR THE 'SHUDDHAVATI VERSES.'—(249)

Bhāṣya.

The '*Kautsa hymn*' is that which was revealed to, and given out by, the sage Kutsa,—the eight verses beginning with '*Ap naḥ shoshuchadadham, etc.*,' found in the *Ṛgveda* (1. 97. 1).

'*The Vāshiṣṭha hymn consisting of the triad of verses beginning with "Prati."*'—The group of three verses, '*prati*' being the opening word of the hymn.—'*Pratistomēbhirupa-samvashiṣṭhāḥ, etc.*' (Ṛgveda, 7. 80. 1).

'*Māhitra hymn*'—that revealed to the *Mahitṛs*,—this also consists of three verses, and contains the term '*Mahitṛ*' (Ṛgveda, 10. 185. 1).

Some people read '*Mahēndram*' (for '*Māhitram*'); and this would mean the forty-eight verses '*Mahān Indra ojasē*, etc.

etc.' (Ṛgveda, 8. 8. 1),—which is also called the '*Payaḥ-Sūkta.*'

'*Shuddhavati verses*'—'*Eto indrastavāmshudhim shuddhēna*, etc.' (Ṛgvēda, 8. 95. 7).

Here also the term '*Even*' is meant to include sins similar to the one mentioned.—(249)

VERSE CCL

HAVING STOLEN GOLD, ONE INSTANTLY BECOMES FREE FROM IMPURITY, BY RECITING ONCE THE '*Āsyavāmīya* HYMN' AND THE '*Shivasaṅkalpa* HYMN.'—(250)

Bhāṣya.

From the mention of '*once*' in the present text, it follows that in the foregoing verses, a *repetition* is meant; and this is also indicated by usage and by what we find expressly stated in other cases:—*e.g.*, 'Having recited the "Aghamarṣaṇa Hymn" *three times*' (259); which is connected with conditional liability.

'*Āsyavāmīya*' is the name of that hymn 'which contains the word *asyavama*,'—the word being formed according to Pāṇini, 5. 2. 59. This is a hymn containing fifty-two verses, beginning with the words '*asya vāmasya palitasya hotuḥ*' (Ṛgveda, 1. 164. 1.).

'*Shivasaṅkalpa Hymn*'—consisting of six verses, beginning with '*yajjāgrato dūramudaiti.*' (Vājasaneya Samhitā, 34. 1).—(250)

VERSE CCLI

THE VIOLATOR OF THE PRECEPTOR'S BED BECOMES ABSOLVED BY REPEATING THE '*Haviṣpāntīya* HYMN,' (*Ṛgveda*, 10. 88. 1), THE VERSE BEGINNING WITH 'NA TAMAM HA' (*Ṛgveda*, 10. 126) AND THAT BEGINNING WITH 'ITI' (*Ṛgveda*, 10. 119),—AND BY RECITING THE '*Puruṣasūkta*' (*Ṛgveda*, 10. 90. 1)—(251)

Bhāṣya.

'*Itīti*'—the first '*iti*' is the opening word of the text referred to, and the second '*iti*' is meant to show that the former is the opening word of a text;—and it serves to show that a different text is meant. Thus it is that we get at the indication of a particular sacred text.

'*Pauruṣa-Sūkta*'—is the hymn consisting of sixteen verses, beginning with the word '*sahasrashīrṣā.*'—(251)

VERSE CCLII

One who desires to expiate sins great and small, shall repeat, for one year, the verse beginning with 'ava', or that beginning with '*yatkiñchēdam.*'—(252)

Bhāṣya.

After the treatment of the 'Heinous Offences,' other '*sins, great and small,*'—*i.e.*, the 'minor offences,'—are next dealt with.

He who '*desires to expiate*' these should '*repeat for one year the verse beginning with "ava."*'—The term '*ava*' indicates the opening word of the verse '*Ava tē hedo varuṇa namobhiḥ, etc.*' (Ṛgveda, 1. 24. 14),—this verse containing words indicating *absolution from sins*; it does not stand for the other verse beginning with '*ava*'—'*avatadēnīmāhēturāṇam.*' Or, he shall recite the verse '*Yatkiñchēdam varuṇa daivyē-janaḥ, etc.*' (Ṛgveda, 7. 89. 5).—(252)

VERSE CCLIII

If a man has accepted a gift that should not be accepted, or has eaten reprehensible food, he becomes pure in three days, by repeating the *Taratsamandīya*' verses.—(253)

Bhāṣya.

'*What should not be accepted*'—such as wine and similar things, or gold and such things from a sinner,—this latter also being '*what should not be accepted.*'

'*Reprehensible food*'—food that has been polluted by any one of the four causes—its very nature, lapse of time, ownership and contact.

'*Taratsamandīya verses*'—are four of the '*Pāvamanī*' verses (Ṛgveda, 9. 58. 1—4).—(253)

VERSE CCLIV

ONE WHO HAS COMMITTED MANY SINS BECOMES PURIFIED BY RECITING, FOR A YEAR, THE '*Somāraudra* HYMN' AND THE THREE VERSES BEGINNING WITH '*aryamaṇam*,'—WHILE TAKING HIS BATH IN A STREAM.—(254)

Bhāṣya.

The three verses beginning with '*Somārudrā dhārayethamastram*' (Ṛgveda, 6. 74. 1); and the verse beginning with '*Aryamaṇam varuṇam mitram*' (Ṛgveda, 4. 2. 4).

'*Samām*'—for one year.

This verse (laying down a single expiation for one who has committed *many sins*) lends support to the view that a single expiation may serve to atone for several offences.

'*In a stream.*'—This precludes tanks and pools.—(254)

VERSE CCLV

AN OFFENDER SHALL RECITE, FOR HALF THE YEAR, THE SEVEN VERSES BEGINNING WITH 'INDRAM'; BUT HE WHO HAS COMMITTED A REPREHENSIBLE ACT IN WATER SHALL SUBSIST, FOR ONE MONTH, ON ALMS.—(255)

Bhāṣya.

The verses referred to are the seven beginning with '*Indram mitram varuṇamagnim*' (Ṛgveda, 1. 106. 1—7).

'*For half the year*'—for six months.

'*The offender shall recite.*'—Since there is no qualifying epithet, what is mentioned here should be taken as pertaining to *all offences.*

'*Reprehensible act.*'—Sexual intercourse, or evacuation of the bowels. If one does this in water, he should subsist, for one month, on alms.—(255)

VERSE CCLVI

A TWICE-BORN PERSON DESTROYS EVEN THE MOST GRIEVOUS SIN BY MAKING HOMA-OFFERINGS OF CLARIFIED BUTTER FOR ONE YEAR, WITH THE SACRED TEXTS RELATED TO THE '*Shākala-homa,*' OR BY REPEATING THE VERSE BEGINNING WITH '*namaḥ.*'—(256)

Bhāṣya.

'*Sacred texts related to the Shākala-homa*' are the eight verses beginning with—'*Dēvakṛtasyainasovayajanamaṣi*' (Vājasaneya Samhitā, 8. 13);—if one makes Homa-offerings of clarified butter with these texts, for one year, he destroys even the '*most grievous sin,*'—*i.e.*, even all the 'heinous offences.'

'By repeating' the mantra '*namo rudrāya tavasē kapardinē, etc.*' (Vājasaneya Samhita, 16)—for one year,—he obtains the same success;—even without performing the *Shākala-homa.*

Thus this 'repeating of the mantra' is an expiation alternative to the aforesaid 'Shākala-homa'; as also to the reciting of some other text beginning with '*namaḥ*',—what this other text is being ascertained from cultured men. —(256)

VERSE CCLVII

He who is polluted by a 'heinous offence,' should, with concentrated mind, attend upon cows; and by repeating the *Pāvamānī* verses and subsisting on alms for one year, he becomes pure.—(257)

Bhāṣya.

'Polluted by a heinous offence.'—It is understood that this also refers to the number of such offences enumerated above; and it is quite reasonable for several expiations for each of the lighter offences.

'Pāvamānī verses.'—This stands for the entire *'maṇḍala,'* beginning with the verse *'svādiṣṭhayā madiṣṭhayā, etc.,'* (Ṛgveda, 9. 1. 1) and ending with *'yattē rājañchhṛtam haviḥ, etc.'* (9. 114. 4).

The *'Anugamana* of the cows' does not mean merely *following* them, but *attending* on them; and the exact form of this is to be ascertained from the description of the expiation for 'cow-killing.'—(257)

VERSE CCLVIII

Or, if, purified by the performance of three *'Parāka'* penances, and self-controlled, he repeats thrice the entire text of the Veda, in a forest, he becomes absolved from all sins.—(258)

Bhāṣya.

This is another expiation for the man 'polluted by a heinous offence.'

'Entire text of the Veda'—comprising of the 'mantra' as well as the 'Brāhmaṇa' portion.

Having fasted for thirty-six days, if he recites the Vedic text in a forest, he becomes absolved from sins.—(258)

VERSE CCLIX

If a man fasts for three days, and entering the water thrice a day repeats the '*Aghamarṣaṇa* Hymn' three times, he becomes absolved from all sins.—(259)

Bhāṣya.

Construe thus—'*apobhyupayan aghamarṣanam japitvā*'; whence it follows that the reciting of the hymn is to be done *in water*. This has the support of another *Smṛti* text.

'*Aghamarṣaṇa*' is the name of a set of three verses already described above (Ṛgveda, 10. 190. 1, etc.).—(259)

VERSE CCLX

Just as the *Ashvamēdha*, the king of sacrifices, is destructive of all sins, even so is the '*Aghamarṣaṇa* Hymn' also destructive of all sins.—(260)

Bhāṣya.

The verse is purely commendatory.—(260)

VERSE CCLXI

Even if he kills the three worlds, or if he eats here and there, he does not incur any sin, if he retains the *Ṛgveda* (in memory).—(261)

Bhāṣya.

This also is purely commendatory, meant to indicate that the retaining of the Ṛgveda is a 'Secret Expiation.'

Others, however, hold that the whole set of verses from 258 to the present, are descriptive of the 'Secret Expiation.'—(261)

VERSE CCLXII

One becomes absolved from all sins by reciting, with concentrated mind, three times, the text of the *Ṛk* or of the *Yajuṣ*, or of the *Sāman*, along with the esoteric texts.—(262)

Bhāṣya.

Inasmuchas the '*Ṛk*,' etc., are so specified, the Brāhmaṇa texts become excluded.

'*Esoteric texts*'—the Sāman-texts occurring in the *Āraṇyakas*.—(262)

VERSE CCLXIII

As a clod of earth, being thrown, becomes dissolved as soon as it gets into the water,—even so does all sin become engulfed in the threefold Veda.—(263)

Bhāṣya.

'*Threefold*'—that which has three component factors; each Veda is regarded as the 'component factor' of another as all of them serve the same purpose.—(263)

VERSE CCLXIV

The *Ṛk*-verses, the primeval *Yajuṣ*-texts, and the manifold *Sāman*-songs,—these constitute the 'Threefold Veda'; he who knows this is 'learned in the Vedas.'—(264)

Bhāṣya.

The said three 'component factors' are now described.

'*Primeval*'—the most important.

If we read '*anyāni*' for '*ādyāni*,' the meaning is 'those also that are found among the Brāhmaṇa texts,' or 'those arranged in the order of the Pada-text.'

'*Manifold Sāman-songs*'—as classified under the two classes '*grāmya*' and '*āraṇya*.'—(264)

VERSE CCLXV

THAT PRIMEVAL TRI-SYLLABLIC BRAHMAN, IN WHICH RESTS THE VEDIC TRIAD, IS THE OTHER AND ESOTERIC 'THREEFOLD VEDA'; HE WHO KNOWS THIS IS 'LEARNED IN THE VEDAS.'—(265)

Bhāṣya.

'*Trisyllablic*'—*i.e.*, a composite of the three syllables contained in the word 'Om.'

The '*primeval Brahman*,' which is '*esoteric*'—as being set forth in detail in the esoteric sections of the Veda, where it is put forward as an object of worship. Or it may be regarded as '*esoteric*' on account of its being denotative of the supreme soul, and not in the sense of *being unknown*; since it is well-known among people as the syllable '*Om*.'

That wherein the Vedic Triad lies condensed,—since all letters are described as contained in 'Om.' The worship or meditation of this has been already described above, as also in such passages as—'One should meditate upon the syllable *Om*' (Chhāndogya Upa., 1. 1. 1).

The preceding verse has spoken of the Mantras as the 'Veda,' while in the present verse it is the *Vedānta* that is so spoken of. As for knowledge of *duties*, this is provided by what has been enjoined under 'Vedic Study.'—(265)

END OF DISCOURSE XI.

DISCOURSE XII

DISCOURSE XII

PHILOSOPHY

SECTION (1)—QUESTION

VERSE I

'O SINLESS ONE, THE WHOLE LAW FOR THE FOUR CASTES HAS BEEN EXPOUNDED BY YOU; INSTRUCT US NOW IN REGARD TO THE ACTUAL FRUITION OF ACTIONS.'—(1)

Bhāṣya.

The first half of the verse indicating the end of the subject-matter of the ordinances, serves the purpose of shutting out any further desire on the part of the listeners.

'*Whole.*'—This epithet is meant to be commendatory; the sense being that 'these ordinances have set forth all the *Smārta* duties along with the esoteric explanations.'

The fact of the Teacher having completed his task is described through the mouth of the pupil; but no stress is meant to be laid upon it.

In reality however the assertions set forth here do not emanate from the Teacher and Pupil at all; the author of the book himself has divided these into two parts (of question and answer).

The term 'Dharma' denoting *what ought to be done*, here stands for the whole compilation of Injunctions and Prohibitions. And it is through this that the connection between actions and their results, even though not referred to before, is now set forth.

The assertion—'*The whole law has been expounded by you*'—becomes explicable only when taken as referring to Injunctions and Prohibitions.

"The result of what action is asked about—when it is said —'*Instruct us now in regard to the function of actions*'? For those actions that are compulsory are done simply because they have been enjoined by the Scriptures, and the agent does not have any reward in view at all; those that are not compulsory, in connection with nearly every one of them distinct rewards have been spoken of;—*e.g.*, in such declarations as 'one who makes a gift of water obtains satisfaction, as also heaven and longevity';—and even those in connection with which it might be thought that no rewards have been spoken of,—there also it has been proved that Heaven is their reward;—as regards the Gestatory and other Sacramental Rites, these have their reward in the peculiar character that they bestow upon the persons for whom they are performed; and as such do not stand in need of any transcendental results;—the Occasional Acts, such as the purifying of substances and the like, or the bathing on touching a Chaṇḍāla and so forth,—these also lead to results that are quite perceptible; they are done for the purpose of purifying things, because the use of impure things has been forbidden;—lastly, as regards Expiatory Rites, the purpose served by them has been just described. Thus we fail to see those actions whose results are sought to be known."

The result sought to be known is that of those that are forbidden; as it is those that are spoken of below, as 'the sinfulness of acts committed through the body, etc., etc.' (Verse 9). And in a way the obeying of prohibitions also is something enjoined by the scriptures.

"If those acts also were laid down for the purpose of rewards, they would not be incumbent on all men; as they would be performed by only such men as happen to have a desire for the particular reward."

Our answer to this is as follows :—Here no such results are going to be described as are *desired* by men ; as what are set forth here are the *undesirable* results ; and certainly these are not *desired* ; no man ever wishes to obtain what is undesirable ; and it is in this manner that the results mentioned come to bear upon all men.

What we have said regarding the obeying of prohibitions being an act done in accordance with scriptural injunctions, does not go far enough ; the fact of the matter is that everything is done in accordance with scriptural injunctions.

"But the acts that the scriptural injunctions set forth are done for the sake of men desiring the results of those acts ; —or in some cases, the acts are occasional ones, laid down without reference to any results ;—in the case in question (of prohibitions) however, inasmuch as we do not find any exprsesions indicative of the fact that they shall be obeyed 'throughout life,' wherefore would the forbidden act not be done ?"

It is found that if one ignores the prohibitions he incurs sin. For instance, it has been declared that 'by entertaining a desire to kill a Brāhmaṇa, one goes to hell.'

"The act that is forbidden,—such as the killing of a Brāhmaṇa and the like,—is certainly not one that is enjoined by the scripture. It is only an act enjoined by the scripture that can have any connection with results mentioned in the scriptures ; as we find in the case of such declarations as—'one desiring heaven should perform sacrifices'; where the fact that *sacrifices should be performed* is one that can be got at only from the scriptures, and not from any other source. In the case in question on the other hand, men are prompted to do the prohibited acts by *hatred* and such other worldly unscriptural motives ; and what is itself *unscriptural* cannot have any connection with a result that is *scriptural.* It has been asserted that texts have indicated that the ignoring of prohibitions is conducive to sin. But what would be the need for such an indication?

Since all that we learn from the scriptural prohibition is that it says to the man moved by hatred to do some forbidden act (like the killing, for instance)—'this should not be done'; and there the comprehension of the sentence is complete; what word is left there uncomprehended which would need the said *indication?*"

If we were to pursue this enquiry further, it would prolong our work unduly. The fact of the matter in brief is this:—what the prohibitive injunction 'one shall not kill' signifies is a *prohibition.* Now there does arise in the mind of the person to whom this injunction is addressed a desire to know what it all means; and the idea that he derives from it is—'such and such a course of action shall not be adopted by me'; and it is not the object (act) that is urged by the Injunction; since by their very nature injunctions are meant to urge agents, and the agent in the case in question would be indicated by the presence of the worldly motive of *hatred*, which is what would be in keeping with the nature of the act of *killing.* The man who undertakes to kill by his own will would not stand in need of being urged by an injunction; and it is such a person to whom the prohibitive injunction is addressed. In a case where the action is indicated by other sources, any injunction that bears upon it may be taken as indicating the agent concerned; and in cases where no desire for any result is concerned, the person who is urged by the injunction does not comprehend the fact of his being the person urged, until he understands that what is prohibited leads to an undesirable result: In fact such is the way in which ordinary men understand things. When a certain act is found to be forbidden by the Veda, if a man does it, it is understood that it would lead to undesirable results. And in matters like the present nothing can be put forward except what happens in the course of ordinary worldly experience. And even if the fact of a certain act leading to undesirable results is not directly mentioned, it will be only right to assume this fact, on the basis of the very nature of prohibitions; to say nothing of cases

where the said fact is directly mentioned? For there can be no justification of rejecting what is directly mentioned. The mention of such results as 'hell' and the like cannot be regarded as purely declamatory, so long as it is capable of being taken as setting forth the results of acts spoken of. Further, declamatory assertions also are only complements to injunction. In the case in question, however, there is no injunction mentioned either directly or indirectly; because the fact principally sought to be set forth is the connection between the act and the result. In the present discourse no acts are enjoined; all that is propounded is the relation of certain acts to certain results; and the hundreds of assertions contained here cannot be meaningless. If they were really meaningless, we would have admitted it to be so; but such is not the way of writers on *Smṛtis*. Nor can the passages in question be explained in any other way save in the one indicated above; specially as there is no injunction to which they could be complements (and hence be taken as Declamatory Declarations).

It might be argued that such figurative explanation would be wrong, even on the part of writers on scriptures.

But it is not so; those who talk thus show utter disregard for the Great Sages.

'*Agha*' is *sin*; '*anagha*,' '*sinless one*,' is in the Case of Address; denoting freedom from sin, which is meant to be a praise of the teacher.

'*Instruct*' denotes *speaking*.—(1)

SECTION (2)—THE PHILOSOPHY OF ACTION AND ITS RETRIBUTION.

VERSE II

THE RIGHTEOUS *Bhṛgu*, SPRUNG FOR MANU, SAID TO THE GREAT SAGES—'LISTEN TO THE TRUTH REGARDING THE RELATION OF ACTIONS.'—(2)

Bhāṣya.

This is the answer to the question of the sages.

'Listen to what you have asked.'

'*Karma-yoga.*'—The compound is to be explained as the '*yoga*,' 'relation,' of '*karma*,' 'actions'; and from the context it is clear that it is the 'relation' *to results* that is meant.—(2)

VERSE III

ACTIONS PROCEEDING FROM MIND, SPEECH AND BODY ARE CONDUCIVE TO GOOD AND BAD RESULTS; AND THE CONDITIONS OF MEN, DUE TO ACTIONS, ARE HIGH, LOW AND MIDDLING.—(3)

Bhāṣya.

The '*good*' results are mentioned only by way of an example; or as laying down the functions of the mind and speech.

Actions proceed from mind, speech and body. The term '*Karma*,' '*action*,' here does not stand only for that movement of the body which is involved in the performance of sacrifices; it stands for all kinds of action, even those of the nature of contemplation, meditation, speaking and the like.

The term '*phala*,' '*result*,' is to be construed with each of the two terms of the compound ('*shubha*' and '*ashubha*'); so that what the compound means is 'conducive to good results' and 'conducive to bad results.'

This should not be understood to mean that good and bad results are obtained only from the performance of such actions as are accomplished by bodily operations, in fact the same thing happens in the case of actions springing from mind and speech also; since results have been described as proceeding from all the three kinds of actions.—(3)

VERSE IV

KNOW THE MIND TO BE THE INSTIGATOR OF ALL THIS THAT IS CONNECTED WITH THE BODY, AND WHICH IS OF THREE KINDS, HAS THREE SUBSTRATA AND IS ENDOWED WITH TEN DISTINCT CHARACTERISTICS.—(4)

Bhāṣya.

Objection—" All actions, good or bad, laid down in such passages as—'he shall punish the guilty,' 'he shall not injure,' are accomplished by the operation of the *body*. For instance, (*a*) the act of *giving*, which consists in the withdrawing of one's ownership over a thing and bringing about that of another, is laid down as 'to be done with the right hand' and so forth (which involves a bodily action); (*b*) the act of *sacrificing*, consisting of the entire procedure ending with the Final Bath, is one that is accomplished by bodily operations; (*c*) similarly all such acts as desisting from striking others with a stick and so forth are such as are due to bodily operations. What then is that action which springs from the *Mind*?"

It is in answer to this that the text says—'*Know the Mind to be the instigator of all this.*'—Seeing and all such acts are functions of the Mind; as in the absence of Mind, no purely physical action is possible. For instance, in the case of every act, the agent first of all conceives of the thing concerned as being of a certain nature and as bringing about pleasure or pain, or leading to something on which pleasure or pain is dependent, and then comes to the determination 'I shall have this' or 'I

shall not have it'; and it is only the action to which this determination leads where the functioning of the body or of speech comes in. Thus it is that in the case of all intentional actions, the Mind is the '*instigator*.' As for unintentional actions, the said process is not always perceptible; for instance, when wine is drunk under the misapprehension that it is some other drink, or when one approaches another woman, mistaking her for one's own wife, or in cases of such chance-actions as the killing of mosquitoes and other insects by the throwing about of the hand, turning on one's sides during sleep and so forth; though in all these cases also the responsibility for doing it rests on the agent, which renders him liable to expiation.

'*Which is of three kinds*';—as brought about by speech, mind and body.

'*Three substrata*';—in accordance with the 'high,' 'low,' and 'middling' conditions of the agent.

'*Endowed with ten distinct characteristics*';—the functions of the mind and the body being of three kinds each [making up six] and those of speech are of four kinds,—thus making up the '*ten*.' These are going to be described in the next few verses.—(4)

VERSE V

COVETING THE WEALTH OF OTHERS, SCHEMING IN ONE'S MIND ABOUT WHAT IS UNDESIRABLE, ADHERING TO A WRONG NOTION,—THESE ARE THE THREE FORMS OF 'MENTAL ACTION.'—(5)

Bhāṣya.

'*Coveting*'—What is meant is that through jealousy for the wealth of other men, one may be constantly thinking of some adversity befalling their fortune—'Oh, how many horses and cows! How many sheep and goats! What excellent horses! Woe to men! How is it that he has attained such prosperity! In what way may I wrest it all from him! It would be grand if all this wealth of his were destroyed!'

'*Scheming about what is undesirable.*'—Some people construe this also with the phrase 'of others'; and take it to mean 'the planning of the death of others with the view that all his wealth will come to him.'

"The '*coveting of the wealth of others*' has also been explained to mean this same thing; so that the idea having been already provided by this phrase, the former would be entirely superfluous."

The second phrase is a wider term. It is not right to 'scheme about' *what is undesirable* for others; and *loss of wealth* is a particular form of 'what is undesirable.'

It is in view of this difficulty that some people do not construe this second phrase with the phrase '*of others*'; and they explain '*undesirable*' as standing for *forbidden.*

According to this view also, 'the coveting of the wealth of others' (which is also *forbidden*) would have to be taken as mentioned separately, only for the purpose of indicating its importance.

Similarly with the phrase '*adhering to a wrong notion*'; *e.g.*, (*a*) when the *prima facie* argument is regarded as the Final Conclusion, (*b*) the philosophy of Idealism, (*c*) the view that the Veda is not trustworthy, (*d*) insistence on the view that there is no such thing as the *Soul*, and so forth.

Others explain this to mean constant opposition to the renouncing of meat-eating.

These three constitute the *evil* type of 'mental activity'; apart from these are those of the *good* type; *e.g.*, 'not coveting what belongs to another,' 'kindness to all creatures,' 'faith in the reality of morality and such things.' Says the revered Vyāsa—'Non-coveting of the property of others, sympathy for all beings, and the idea that righteous deeds always bring their reward,—one should constantly think in his mind of these three items.'—(5)

VERSE VI

ABUSING, LYING, CALUMNIATING ALL MEN, AND IDLE PRATTLING,—ARE THE FOUR KINDS OF 'VERBAL ACTION.'—(6)

Bhāṣya.

'*Abusing*'—uttering of words causing pain to others.

'*Calumniating*'—detracting from the merits of others, on account of jealousy.

'*Idle prattling*' and 'telling an untruth.'—(6)

VERSE VII

TAKING WHAT HAS NOT BEEN GIVEN, UNSANCTIONED KILLING, AND INTERCOURSE WITH THE WIVES OF OTHERS—THESE HAVE BEEN DECLARED TO BE THREE KINDS OF 'BODILY ACTION.'—(7)

Bhāṣya.

Accepting from unworthy people of what has not been given, and what is itself an impure thing.

'*Wives of others*'—includes unmarried maidens also.

As against these there are—accepting proper gifts in the proper manner, protecting others and controlling of the organs.

Thus has Action proceeding from Mind, Speech and Body, been described as being of 'ten kinds'; and according as each of these is either 'good' or 'bad,' we have *twenty* kinds.—(7)

SECTION (3)—FRUITS OF ACTION

VERSE VIII

THE GOOD AND THE EVIL RESULTING FROM 'MENTAL ACTS,' ONE EXPERIENCES THROUGH THE MIND ALONE; THOSE OF 'VERBAL ACTS,' THROUGH SPEECH; AND THOSE OF 'BODILY ACTS,' THROUGH THE BODY.—(8)

Bhāṣya.

Some people explain this to mean that when by his act, a man causes mental pain to others, he himself experiences, in return, mental pain.

Our opinion is that one experiences mental suffering as the result of *all the three kinds* of 'mental acts.'

Similarly in the case of the other two (Verbal and Bodily acts) also.—(8)

VERSE IX

THROUGH SINFUL ACTS DUE TO THE BODY, MAN BECOMES INANIMATE; THROUGH THOSE OF SPEECH, A BIRD OR A BEAST; AND THROUGH THOSE OF MIND, HE IS BORN IN THE LOWEST CASTE.—(9)

Bhāṣya.

What the verse describes is what happens in a large number of cases; the sense being that in most cases whenever men are reborn in the species mentioned, it is due to causes herein specified. But it is not always so; as it is going to be asserted later on (55 *et. seq.*) that those who commit the 'heinous offences' are born among the lower animals and so forth.

'*Birds*' and '*beasts*' stand here for all kinds of lower animals.

What the verse is really meant to indicate is that, among sins due to Mind, Speech and Body, the succeeding ones are graver than the preceding ones.—(9)

SECTION (4)—MEANING OF '*TRIDAṆḌA*'—'TRIPLE CONTROL.'

VERSE X

CONTROL OVER SPEECH, CONTROL OVER THE MIND AND CONTROL OVER THE BODY,—THE MAN IN WHOSE HEART THESE ARE FIRMLY FIXED IS CALLED 'THE MAN OF TRIPLE CONTROL.'—(10)

Bhāṣya.

'*Control*'—keeping in check; and '*control of speech*' means *desisting from abusing others*; and so with the other two.

'*The man in whose heart these three are firmly fixed*';—he who has made up his mind that he would never commit such an act, and who never fails in this resolve:—such a man is called '*the man of triple control*'; and not one who carries heavy wooden *sticks* (*daṇḍas*).—(10)

VERSE XI

THE MAN WHO KEEPS THIS 'TRIPLE CONTROL' IN REGARD TO ALL CREATURES, AND RIGHTLY SUBDUES DESIRE AND ANGER, THEREBY ATTAINS SUCCESS.—(11)

Bhāṣya.

'*Tridaṇḍam*' is an *aggregate of the three controls*; the feminine form of which is precluded by reason of the term '*daṇḍa*' occurring in the '*pātrādi*' group [and hence falling under the exception to the *Vartika* on Pāṇini, 2. 4. 17].

He who '*keeps*'—fixes up—'*this triple control*'—in his heart,—'*in regard to all creatures*'—not harming any, by

any of the three kinds of action,—and '*rightly*'—properly—'*subdues desire and anger*,'—'*thereby attains*'—obtains—'*success*'—in the form of Liberation.

This verse serves as introductory to the treatment of the philosophy of the Self; leading up, as it does, to such questions as—'to whom does this *success* belong?' 'who is the real experiencer of the results of actions?—since the body is found to end in ashes, and we do not see anything else of the man.' It is thus that the text proceeds to describe the *person* who is the actual performer of all acts, righteous and unrighteous.—(11)

SECTION (5)—THE RESPONSIBLE AGENT—THE SELF

VERSE XII

HE WHO IS THE IMPELLER OF THIS BODY, HIM THEY CALL THE '*Kṣetrajña*,' 'THE CONSCIOUS BEING'; WHILE HE WHO DOES THE ACTS IS CALLED BY THE LEARNED, THE '*Bhūtātman*,' 'THE MATERIAL ENTITY.' —(12)

Bhāṣya.

'*Of this body, he who is the impeller*,'—to all such actions as *moving* and the like, and who is the 'doer' of these acts, through his efforts,—'*is the Conscious Being*.'

'*Asya*,' 'this' and '*ātmanaḥ*,' 'body,' are in apposition to one another.

The term '*ātman*' here denotes the *body*,—this denotation being based on the fact that the *body* subserves the purposes of the *Ātman*, Self.

'*He who does the act*'—of drinking and the like,—and who is the product of these acts,—in the shape of the Body—becomes the 'doer' of acts,—is called the '*material entity*,'—an aggregate of earth and other material substances, and belonging to an inferior category. This has been thus declared in an old text—'There are two selves—the Inner Soul and the Body.'—(12)

VERSE XIII

AN INNER 'SELF,' CALLED '*Jīva*,' 'SOUL,' IS DIFFERENT,—GENERATED ALONG WITH ALL EMBODIED BEINGS, THROUGH WHICH ONE EXPERIENCES PLEASURE AND PAIN DURING THE SEVERAL BIRTHS.—(13)

Bhāṣya.

"What is this that is called '*Jīva*' or 'Soul?' People regard the 'Conscious Being' (Kṣētrajña) as the 'Jīva.' Only two beings are generally recognised—the Body and the Inner Soul known as the 'I.' The '*Jīva*' spoken of here is apparently different from these two."

Some people explain that what is called '*Jīva*,' 'Soul,' here, is the Subtle Body made up of the 'Great Principle' (*Mahat* of the Sāṅkhyas) and the rudimentary elements, which has been described as the Subtle Body, 'migrating, without experiencing, and invested with impressions' (*Sāṅkhya-kārikā*). The term '*yēna*,' '*through which*,' speaks of this as if it were the 'instrument' of the act of experiencing; and this can apply only to the said Subtle Body; as it serves as the substratum of the grosser material substances, being as it is, the substratum of the material body itself. It is only when the Body is there that the Self can feel pleasure and pain; and this is what is expressed by the instrumental ending in '*yēna*,' 'through which.'

Others however think that it is the 'Internal Organ,' consisting of *Intelligence* (*Buddhi*), *Mind* (*Manas*) and *I-notion* (*Ahaṅkāra*), that is spoken of here as '*Jīva*.' And since this is an 'Internal *organ*,' it is only right that it should be spoken of by means of the Instrumental ending.

That this should be called the '*inner self*' is also quite right, since it subserves the purposes of the Self.

'*Generated along with*.'—This means that it remains attached to the Self till Final Liberation, and is never separated from him till Final Dissolution.—(13)

VERSE XIV

Both of these, the 'Great Principle' and the 'Conscious Being,' united with the material substances, subsist in Him who resides in all things, pervading them all.—(14)

Bhāṣya.

'*Manifold*'—of various kinds and forms.

'*Things*'—all entities.

'*Who resides, pervading*'—all those things.

'*In him these two subsist.*'—The term '*sthitaḥ*' is taken as a transitive verb, the root '*sthā*' being capable of several denotations.

"Who is he who resides pervading the manifold things?"

The Supreme Self, who is beyond the animate and inanimate world, of the nature of Highest Bliss, who is going to be described later on.

'*United to material substances*,'—*i.e.*, the five substances.

'*The Great Principle*'—described under Verse 13, as that 'through which he experiences pleasures and pains.'

'*The Conscious Being*'—described in Verse 12.

These two are said to '*subsist*' in the Supreme Self, because the entire Universe subsists in It; every effect *subsists* in its cause; and it is on the basis of this that these two are said to '*subsist*' in the Supreme Self. Says the revered Vyāsa—'In this world there are two *Puruṣas*, the Perishable and the Imperishable; the Perishable one consists of all material substances, and the unchangeable entity is called 'Imperishable.'—Here the term 'perishable' stands for the entire phenomenal world; and 'imperishable' for the Original Cause, which is also spoken of as 'Unchanging,' as in its causal form, it does not perish even at Universal Dissolution. Or 'perishable' may stand for the Body, and 'imperishable' for the 'Conscious Being' (*Kṣētrajna*); the latter being called 'Unchangeable,' because till Final Liberation is attained, he retains his character of being the *doer* (of acts) and *experiencer* (of results). (Vyāsa goes on)—'The Highest Puruṣa is different from these two, and is called the *Supreme* Self, who, being the infallible Lord, who pervades and sustains the three worlds' (Bhagavadgītā, 15.16.17).—14

SECTION (6)—TRANSMIGRATION

VERSE XV

From his body emanate innumerable forms, which constantly energise all kinds of beings.—(15)

Bhāṣya.

The term '*form*' stands for all material products; all these emanate from the 'body' of the Supreme Self;—this body consisting of his *essence* alone; and the mention of the two (the *Self* and His *body*) as distinct being analogous to the expression 'the body of the stone-image' [where also the body is nothing different from the image itself].

'*Innumerable*'—endless.

'*Emanate*'—issue forth.

This emanation being like that of the waves from the ocean.

It is by these forms, as they become emanated, that this world becomes *energised*,—*i.e.*, set into activity. The world is spoken of as becoming 'energised' by these forms, because, as a matter of fact, there is no 'activity' without the body, the organs and the sensations.

Others explain that the 'body' of the Supreme Self is Primordial Matter, not the *material substances*; and all activity is dependent upon this latter.—(15)

VERSE XVI

In the case of misbehaved persons, there is produced out of five constituents, another strong body, for the suffering of torments, after death.—(16)

Bhāṣya.

Out of the five material substances another body is produced.

The meaning is that a material body is produced, without the process involved in the mixture of semen and ovule. In fact, it is only in the case of '*misbehaved men*' that this body is made up of material substances; in the case of righteous men it is made up of pure *light* and consists of mere *Ākāsha*; as is declared in the passage—'Consisting of air, with a body of pure *Ākāsha*, etc.'

'*Torment*'—great suffering.

'*Strong*'—powerful enough to suffer super-physical torment.—(16)

VERSE XVII

After they have suffered, through this body, the torments inflicted by Yama, those constituents become dissolved into each of those same material elements.—(17)

Bhāṣya.

'*Yama*' is the name of a particular deity, who inflicts punishments upon sinners,—which are spoken of here as '*torments.*'

After the man has '*experienced*' these torments, through the said body of five constituent material substances,—those bodies become dissolved into the said subtle particles of those substances.—(17)

VERSE XVIII

Having suffered the evils produced by attachment to sensual objects, and conducive to misery, he, having his sins destroyed, approaches those same two glorious ones.—(18)

Bhāṣya.

'*Attachment to sensual objects*'—being addicted to such things as are forbidden. From this arise '*evils*'—the results

of sins;—having experienced the hellish torments, which constitute these 'evils'—the men have their '*sins destroyed*'—guilt removed,—by that experience,—'*approaches those two Glorious Ones.*'

"Which two? In fact the 'Great Principle' and the 'Conscious Being,' which form the subject-matter of the present context; but from the next verse it appears that it is the Conscious Being who experiences pleasures and pains; so that the term '*he*' of the text must stand for that being. And thus the meaning comes to be that 'this Conscious Being approaches the same Being,' which is absurd: the 'approached' and the 'approacher' being the same."

True; but the difference intended is an assumed one. In fact, what is meant by '*approaching*' is that 'the said Being is all that remains of the man'; the sense being that as the 'Conscious Being,' he was invested with the aggregate of the 'life-breath and other accessories, called the 'Great Principle,' but after having experienced the results of his misdeeds, he becomes divested of it, and remains in the form of the pure 'Conscious Being,'—who has his abode in the Subtle Body only.

Others explain the '*two Glorious Ones*' as standing for the Great Principle and the Supreme Self.

'*Conducive to misery.*'—It is only after the sins have been destroyed that one experiences pleasure; so long as adverse sins are there, even in the slightest degree, there can be no pleasure; just as when there is slightest indigestion, there is no pleasure in eating anything.—(18)

VERSE XIX

THOSE TWO TOGETHER CAREFULLY LOOK INTO HIS MERIT AND DEMERIT, INVESTED WITH WHICH BOTH, HE OBTAINS HAPPINESS OR UNHAPPINESS, HERE AND AFTER DEATH.—(19)

Bhāṣya.

"If the '*two*' be meant to be the 'Great Principle' and the 'Conscious Being,' then, for whom does the term '*his*' stand?"

Some people hold that this latter term stands for the 'Soul' (*Jīva*).

But it has already been said that the 'Soul' is the same as the 'Conscious Being.'

Another view is that '*his*' stands for the *Subtle Body*. But this also is the same as the 'Great Principle.'

The third view is that it stands for the *Internal Organ*, consisting of the 'Intelligence' (*Buddhi*) and the rest.

But in this case, it will have to be explained what connection there is between this Internal Organ and 'Merit—Demerit.' For the said organ is nothing more than a subtle form of Matter; as was made clear under 1.19.

For all these reasons what we think is that the right explanation is to take the term '*two*' as standing for the 'Great Principle' and the 'Supreme Self,' in accordance with the explanation provided by some people of the term 'two' (in Verse 18); as it is only for these two that the act of 'looking into' is possible;—the 'Great Principle,' which is really an *instrument* (of perception) being figuratively spoken of as the *nominative agent*; just as in the case of such expressions as 'Fuels are cooking.' And the term '*his*' would, in this case, refer to the 'Conscious Being,' as apart from the 'Great Principle' and the 'Supreme Self.'

And when the 'Supreme Self' is spoken of as 'looking into' the '*merit and demerit*' belonging to the 'Conscious Being,' what is meant is that all experiencing of pleasure and pain is under the control of that Supreme Being. This is what has been asserted in the following passage:—'Impelled by the Supreme Lord one may go either to Heaven or to the bottomless pit';—where 'impelling' can stand only for 'wish as regulated by the merit and demerit of the man.'

"But if the man's merit and demerit were to regulate the wish of God, then this would deprive God of his very character of the Supreme Lord."

This has been explained in the *Shārīraka* that the case of God awarding happiness and unhappiness in accordance with the merit and demerit of the man stands on the same footing as the King bestowing his rewards in accordance with the nature of the services rendered by each man,—which fact does not deprive him of his kingly power. This is what is meant by the 'Great Principle' and the 'Supreme Self' 'looking into' the merit and demerit—of the 'Conscious Being.'

"This cannot be right; as it would be inconsistent with what follows—'*invested with which he obtains, etc.*' Because no one is ever spoken of as 'invested'—connected—with the Supreme Self. In fact, there can be no sort of connection with the Supreme Self."

It is for this reason that the phrase '*with which both*' of the text should be taken as referring, not to the 'Great Principle' and the Supreme Self, but to Merit and Demerit; and these latter also form the subject-matter of the context (and as such can be referred to by the pronoun in question) as is clear from the sentence—'*they look into his merit and demerit.*'

If the term 'Great Principle,' ('*mahat*'), be taken as standing for the Internal Organ, then there would certainly be an incongruity, as the Supreme Self does not stand in need of an *Instrument* for his perceptions.

"Under Verse 18, however, the Supreme Self, which is of the nature of true Consciousness, has been spoken of as being *approached*;—now what sort *of approaching* would this be? If it meant *becoming one with him*, then this could not be brought about merely by the destruction of sins. If, on the other hand, it meant *capability of reaching him*, then this could not be possible for one who has become deprived of his body by the dissolution of the constituent material particles."

It is for this reason that in the sentence '*the two look into his merit and demerit,*' the term '*his*' must be taken, as shown above, as standing for the Self (personal).—(19)

VERSE XX

IF HE PRACTISES VIRTUE FOR THE MOST PART, AND VICE ONLY IN A SMALL DEGREE, THEN, INVESTED WITH THOSE SAME MATERIAL SUBSTANCES, HE OBTAINS HAPPINESS IN HEAVEN.—(20)

Bhāṣya.

'*For the most part*'—to a very great degree.

'*Those same material substances*'—*i.e.*, those beginning with the Great Principle and ending with the Great Elemental Substances.

He obtains happiness in heaven.—(20)

VERSE XXI

IF ON THE OTHER HAND HE PRACTISES VICE FOR THE MOST PART, AND VIRTUE ONLY IN A SMALL DEGREE, —THEN, BECOMING DESERTED BY THOSE SUBSTANCES, HE SUFFERS THE TORMENTS INFLICTED BY YAMA.—(21)

Bhāṣya.

"It has been said under 16 that the body of misbehaved persons is made out of *five constituents*; how is it that here the man is said to be '*deserted*' by the substances?"

Our answer is that the man has no *material body,*—and yet there can be no 'torments' for one devoid of a body; so that the bodies of men here referred to are of an entirely distinct kind; and when the man is described as '*deserted by the substances,*' the *substances* meant are those of peculiar character, such as are productive of exceptionally soft and smooth and delicate bodies; and '*deserted*' means that he has

expiated for his sins by the pain suffered ; and what he is deserted by are those bodies with which people become invested in Heaven.—(21)

VERSE XXII

THAT PERSONALITY, HAVING SUFFERED THOSE TORMENTS INFLICTED BY YAMA, AND THEREBY FREED FROM SIN, AGAIN ENTERS INTO THOSE VERY MATERIAL SUBSTANCES, EACH IN DUE PROPORTION.—(22)

Bhāṣya.

The sense of this has been already explained before.

The purport of these four verses is as follows :—It is only when there is a large amount of vice, that these torments are inflicted by Yama,—and not when there is a small amount of vice (and a larger amount of virtue) ; in which latter case heavenly happiness is experienced in this world itself.—(22)

VERSE XXIII

HAVING RECOGNISED, IN HIS OWN MIND, THE CONDITIONS OF THE PERSONALITY, DUE TO VIRTUE AND VICE, ONE SHOULD FIX HIS HEART UPON VIRTUE.—(23)

Bhāṣya.

There is very little in this verse.

In the phrase '*dharmatodharmataḥ*,' an '*a*' is to be taken as understood (after the first '*dharmataḥ*').

The conditions of the Conscious Entity, Soul, are due to Virtue and Vice.

'*In his own mind*'—through the help of the scriptures.

This verse sums up the contents of the entire ordinances.—(23)

SECTION (7)—THE THREE GUṆAS

VERSE XXIV

KNOW SATTVA, RAJAS AND TAMAS TO BE THE THREE QUALITIES OF THE SELF, BY MEANS OF WHICH THE GREAT ONE COMPLETELY PERVADES ALL THESE BEINGS.—(24)

Bhāṣya.

All that appertains to the Action-side of human activity has been expounded; what appertains to the Knowledge-side of it is now set forth. And what is now stated, at the outset, deals with the subordinate factors, and hence appears to savour of *Dualism.*

Sattva and the rest are the three qualities of the 'Self.'

The term 'Self' here stands, not for the Soul, but for the Great Principle. In fact, the term '*Self*' denotes *one's nature*, and not necessarily the *inner side of things.* And then the *Soul* by its very nature, is devoid of qualities.

Or what is mentioned here refers to the Soul that undergoes experiences,—the qualities being the *object* of experience.

'*Great One*'—This stands for Primordial Matter itself,—this being what happens to be in closest proximity to the Great Principle, which is the first to evolve out of Primordial Matter. It is so called (the 'Great One') because it is the source of all Emanations.—(24)

VERSE XXV

WHICHSOEVER OF THESE QUALITIES WHOLLY PREDOMINATES IN A BODY, IT MAKES THE OWNER OF THAT BODY ABOUND IN THAT QUALITY.

Bhāṣya.

Though every entity is possessed of the three qualities, yet if any one of these should happen to '*wholly*'—entirely—'*predominate*'—exceed others—in a body, on account of the influence of his past deeds, that quality suppresses every other quality of that person; hence, the owner of that body comes to '*abound in that quality*'; that is, in his character, he shows signs of that quality and abandons in the other qualities.—(25)

VERSE XXVI

'SATTVA' HAS BEEN DECLARED TO BE KNOWLEDGE, 'TAMAS,' TO BE IGNORANCE, AND 'RAJAS,' TO BE LOVE AND HATE;—SUCH IS THE NATURE OF THESE, ALL-PERVADING AND INTERPENETRATING ALL BEINGS.—(26)

Bhāṣya.

Such in general is the character of these, pervading over all living beings.

'*Knowledge*'—cognition.

'*Ajñana,*' '*Ignorance*'—stands for *Delusion*; not for the unconsciousness caused by intoxication, swoon or such other causes.

'*Rajas*' has a two-fold character; the two terms '*rajas*' and '*tamas*' being indicative of two distinct characteristics.

Those who are influenced by knowledge and wisdom are never affected by too much anger, nor are they ever careless.

'*Vapuḥ,*' '*nature*'—character.—This is all-pervading, because the seed of impressions is never destroyed, lasting as it does till one has attained Brahman.—(26)

VERSE XXVII

WHENEVER ONE PERCEIVES IN HIMSELF SOMETHING FULL OF BLISS, CALM AND PURE,—HE SHOULD KNOW IT TO BE 'SATTVA.'—(27)

Bhāṣya.

'*Full of bliss*'—a feeling of happiness.

'*Shuddhābham*'—that which *appears pure*, not tainted by 'Rajas' and 'Tamas,' and hence free from passions, vanity, love, hatred, covetousness, delusion, fear, grief and jealousy. This condition is one that should be realised by the man himself, at some time or the other.—(27)

VERSE XXVIII

WHAT IS MIXED WITH PAIN AND BRINGS UNHAPPINESS TO THE SOUL,—KNOW THAT TO BE 'RAJAS,' IMPERCEPTIBLE AND CONSTANTLY ATTRACTING EMBODIED BEINGS. —(28)

Bhāṣya.

'*Mixed with pain*'—interspersed with pain; and not pure, hence described as '*bringing unhappiness*,'—being mixed up with pain, it does not make men happy.

'*Apratīpam*'—imperceptible, though real.

This is the form of '*Rajas*'—'*constantly attracting* men towards sensual objects, *i.e.*, arousing in their mind a longing for these.—(28)

VERSE XXIX

WHAT IS MIXED WITH STUPEFACTION, UNDISCERNIBLE, OF THE NATURE OF SENSUAL OBJECTS, INCAPABLE OF BEING REASONED ABOUT AND UNCOGNISABLE,—ONE SHOULD RECOGNISE AS 'TAMAS.'—(29)

Bhāṣya.

'*Stupefaction*'—absent-mindedness, incapability to discriminate between right and wrong.

'*Of the nature of sensual objects*'—that which has the character of sensual objects.

"The *guṇa of Tamas* is not an *object*, being something *internal*; how, then, can it have the character of the *object*?

This is so described, on account of Delusion being the cause of attachment to objects. That which creates a longing for a thing is said to be of the nature of that thing.

'*Incapable of being reasoned about*'—beyond Inference. '*Unknowable*'—beyond the reach of external as well as internal organs.—(29)

VERSE XXX

I AM NOW GOING TO FULLY DESCRIBE THE RESULTS,—GOOD, MIDDLING AND BAD—PROCEEDING FROM THESE THREE QUALITIES.—(30)

Bhāṣya.

'*These three*'—when they are duly practised, there proceed certain results,—which are either good, bad or middling ;—and this is what is now promised as the subject to be dealt with ; the exact form of the promise being—'I am now going to describe that character which the man acquires as the result of the predominance of a particular quality.'—(30)

VERSE XXXI

VEDIC STUDY, AUSTERITY, KNOWLEDGE, PURITY, CONTROL OVER THE ORGANS, PRACTICE OF VIRTUE AND MEDITATION ON THE SOUL,—ARE THE CHARACTERISTICS OF THE QUALITY OF 'SAṬTVA.'—(31)

Bhāṣya.

'*The characteristics of the quality*' is the declaration of the subject of treatment.

The term '*sāttvikam*' is to be construed with difficulty as follows :—'*Guṇalakṣaṇam*' is *that by which the quality is characterised*; and the question arising 'of what quality ?'—the answer is supplied by the term '*sāttvikam*,' '*of sattva*.'—When need arises, even the part of a compound becomes construed by itself, with another word; and the meaning thus

comes to be that—'this is the characteristic of the quality of '*Sattva*.' This phrase should be understood to stand on the same footing as the phrase '*devadattasya gurukulam*,' where the term '*guru*' though forming the subordinate factor of the compound '*gurukulam*,' is construed with the term '*devadattasya*.'

The meaning of the words has been already explained. —(31)

VERSE XXXII

PRONENESS TO UNDERTAKE WORK, IMPATIENCE, COMMISSION OF IMPROPER ACTS, CONSTANT ADDICTION TO SENSUAL OBJECTS ARE THE CHARACTERISTICS OF THE QUALITY OF 'RAJAS.'—(32)

Bhāṣya.

Proneness to take up, unnecessarily, the performance of acts, conducive to perceptible and imperceptible results.

These are the characteristics of the quality of '*Rajas*.'

'*Impatience*'—loss of mental equanimity at even slight disturbing causes.

If we read '*dainya*' (*for* '-*dhairya*'), it should be understood to mean *loss of ambition, humiliation*.

'*Commission of improper acts*'—the performance of such acts as are forbidden by the scriptures.

'*Addiction to sensual objects*'—being repeatedly attracted by objects of sensual pleasure.—(32)

VERSE XXXIII

AVARICE, DROWSINESS, IRRESOLUTION, CRUELTY, DISBELIEF, BAD CHARACTER, HABIT OF BEGGING, AND INATTENTIVENESS ARE THE CHARACTERISTICS OF THE QUALITY OF 'TAMAS.'—(33)

Bhāṣya.

'*Avarice*'—longing for possessing riches and other things.

'*Cruelty*'—taking offence at even a slight fault.

'*Disbelief*'—recklessness.

'*Bad character*'—loss of character.

The particle '*cha*' implies 'disrespect for elders.'

'*Habit of begging*'—being addicted to soliciting favours.

'*Inattentiveness*'—carelessness; want of attention to the performance of duties and to the avoidance of failure.

Between '*svapno*' and '*dhṛtiḥ,*' an '*a*' is understood. —(33)

VERSE XXXIV

THIS SHOULD BE UNDERSTOOD TO BE IN BRIEF THE CHARACTERISTIC OF THESE THREE QUALITIES IN ORDER, AS THEY APPEAR AT THE THREE TIMES. —(34)

Bhāṣya.

'*At the three times.*'—This refers either (*a*) to the three conditions of equilibrium, increase and decrease, or (*b*) the high, low and middling character of the results.

'*This*'—refers to what follows.—(34)

VERSE XXXV

WHEN, HAVING DONE, OR DOING, OR GOING TO DO A CERTAIN ACT, A MAN HAPPEN TO FEEL ASHAMED,—EVERY SUCH ACT SHOULD BE UNDERSTOOD BY THE LEARNED TO BE CHARACTERISED BY THE QUALITY OF 'TAMAS.'—(35)

Bhāṣya.

'*Having done, or doing, or going to do.*'—This indicates what has been spoken of as the '*three times*'; the said feeling

may appear in some cases, at all the three points of time, while in others only at one or other of them; and it appears in the form of regret—'Why did I do such an act? How can I appear before gentlemen?'—(35)

VERSE XXXVI

WHEN, BY A CERTAIN ACT, THE MAN DESIRES GREAT FAME IN THIS WORLD, AND DOES NOT MIND FAILURE—THIS SHOULD BE UNDERSTOOD TO PARTAKE OF THE QUALITY OF 'RAJAS.'—(36)

Bhāṣya.

The motive being—'by doing this act I shall obtain praise in the world,'—if one performs sacrifices, austerities or other righteous acts; as also such acts for winning fame as giving gifts to the beggars at sacred places, bragging against the king, expounding the scriptures before Shūdras, and so forth.

'*Great.*'—This implies that what is objectionable is the doing of the act with the *sole* motive of obtaining fame; there is nothing wrong if the fame comes only by the way; if, for instance, people talk of the man's righteous deeds, when these are done only through righteousness (and not for any other purpose), such fame does not vitiate the moral quality of the act; as has been declared to be the case with the man in picking up 'sugar cane,' as described by Kṛṣṇadvaipāyana in the story of the *Mahābhārata*—'When a man is gathering sugar-cane, he gathers, along with it, also grasses and creepers; and in the same manner, the man, when treading the path of righteousness, also obtains fame, happiness and wealth.'

'*Failure*'—of the results to appear;—'*he does not mind*'—feels no sorrow; or '*failure*' may mean the *non-completion of the act.*—(36)

VERSE XXXVII

WHEN, HOWEVER, THE ACT IS ONE WHICH HE WISHES TO UNDERSTAND IN ALL ITS DETAILS, BY DOING WHICH

HE DOES NOT FEEL ASHAMED, AND BY WHICH HIS HEART FEELS SATISFIED,—IT IS CHARACTERISED BY THE QUALITY OF 'SATTVA.'—(37)

Bhāṣya.

This is quite clear.—(37)

VERSE XXXVIII

PLEASURE IS THE DISTINGUISHING FEATURE OF 'TAMAS,' 'WEALTH' IS DESCRIBED TO BE THAT OF 'RAJAS,' AND 'SPIRITUAL MERIT' IS THE DISTINGUISHING FEATURE OF 'SATTVA,'—EACH SUCCEEDING ONE OF THESE BEING SUPERIOR TO THE PRECEDING.—(38)

Bhāṣya.

"There is happiness in pleasure also; so what has been described as the characteristic of 'Sattva' (under Verse 27, above)—'when one feels bliss, etc., etc.,' would apply to this also; how then can it be the distinguishing feature of 'Tamas,' which is of the nature of 'stupefaction,' while in Pleasure, there is keen consciousness, which also is a characteristic of 'Sattva,' since it has been declared above that 'Sattva is knowledge, etc.'? (26)."

The answer to the above is as follows:—What is set forth in the present verse is not the condition of the *Agent* or of the *object* of experience; what is meant is an excessive longing for a certain end; and certainly at the time of the *longing*, there is no happiness, since the object longed for is not there.

Thus then, whenever a man has an excessive craving for Pleasure, he becomes deprived of the power to discriminate between right and wrong, and is really in a state of stupefaction. It is this sort of craving that is meant by the term 'pleasure,'—and such desire as for the company of one's wife during her 'season.'—(38)

SECTION (8)—STATES OF EXISTENCE DUE TO THE THREE QUALITIES

VERSE XXXIX

I AM NOW GOING TO DESCRIBE, BRIEFLY, IN DUE ORDER, THOSE MIGRATORY STATES INTO WHICH ONE FALLS THROUGH EACH QUALITY FROM AMONG THESE.—(39)

Bhāṣya.

'*From among these*'—qualities;—by what quality what '*migratory states*' are fallen into by man;—'*migratory states*' standing for *states of existence*;—*i.e.*, the births that he takes,—is going to be described in the following verses.

This verse promises what is going to be done.—(39)

VERSE XL

THOSE PARTAKING OF 'SATTVA' REACH THE STATE OF THE GODS, THOSE ENDOWED WITH 'RAJAS,' THE STATE OF MEN, AND THOSE CHARACTERISED BY 'TAMAS,' THE STATE OF BEASTS; SUCH IS THE THREEFOLD MIGRATORY STATE.—(40)

Bhāṣya.

This verse indicates in general the states of existence brought about by the three qualities.—(40)

VERSE XLI

THIS THREEFOLD MIGRATORY STATE DUE TO THE QUALITIES SHOULD BE UNDERSTOOD TO BE AGAIN OF THREE KINDS EACH—HIGH, LOW AND MIDDLING, IN

ACCORDANCE WITH THE PECULIAR CHARACTER OF THE ACT AND KNOWLEDGE OF EACH MAN.—(41)

Bhāṣya.

'*This threefold migratory state*'—due to '*Sattva*' and the other qualities,—is '*of three kinds each,*'—according as it is '*high, low or middling*'; thus they come to be of nine kinds;—there are endless varieties of states, due to '*the peculiar character of the act and knowledge of each man*'; acts are of various kinds, according as they are good or bad, intentional or unintentional, and so forth. This is what is meant by the phrase '*in accordance with the peculiar character of acts and knowledge.*'—(41)

VERSES XLII—XLIV

INANIMATE BEINGS, WORMS, INSECTS, FISHES, SNAKES, TORTOISE, CATTLE AND WILD ANIMALS,—REPRESENT THE LOWEST STATE DUE TO THE QUALITY OF 'TAMAS.'—(42)

ELEPHANTS, HORSES, DESPISED *Shūdras*, MLECHCHHAS, LIONS, TIGERS AND BOARS—REPRESENT THE MIDDLING STATE DUE TO THE QUALITY OF 'TAMAS.'—(43)

Chāraṇas, *Suparṇas*, HYPOCRITICAL MEN, *Rākṣasas*, AND *Pishāchas*—REPRESENT THE HIGHEST STATE AMONG THOSE PARTAKING OF THE QUALITY OF 'TAMAS.'—(44)

Bhāṣya.

'*Chāraṇas*'—dancers, singers, pimps, and so forth.

'*Suparṇas*'—a particular kind of birds.

The epithet '*despised*' is to be construed with '*Shūdras,*'—*i.e.*, those *Shūdras* who disregard the Brāhmaṇas, poach upon their livelihood, and are characterised by haughtiness, vanity, and such qualities. Such injurious persons as thieves and others are also included among the '*despised.*'—(42—44)

VERSE XLV

STICK-FENCERS, WRESTLERS, ACTORS, MEN SUBSISTING BY THE USE OF WEAPONS, THOSE ADDICTED TO GAMBLING AND DRINKING,—REPRESENT THE LOWEST STATE AMONG THOSE PARTAKING OF THE QUALITY OF 'RAJAS.'—(45)

Bhāṣya.

'*Stick-fencers and wrestlers*'—professionals who are used to descend into public arena;—'*Malla*' standing for *wrestlers*, and '*jhalla*' for those who fight with sticks, or clowns, who make a living by jokes.—(45)

VERSE XLVI

KINGS, *Kṣattriyas*, PRIESTS OF KINGS, AND LEADING WRANGLERS AND WARRIORS REPRESENT THE MIDDLING STATE AMONG THOSE PARTAKING OF 'RAJAS.'—(46)

Bhāṣya.

'*Kings*'—rulers of countries.

'*Kṣattriyas*'—feudatories living under the king.

'*Leading wranglers*'—those who carry on discussions on scientific subjects.

'*Leading warriors*'—soldiers.—(46)

VERSE XLVII

GANDHARVAS, GUHYAKAS, '*Yakṣas*,' THE ATTENDANTS OF THE GODS, AND ALL THE APSARAS, REPRESENT THE HIGH STATE AMONG THOSE PARTAKING OF 'RAJAS.' —(47)

Bhāṣya.

'*Gandharvas*' and the rest are divine beings; the distinction among whom may be ascertained from the Itihāsas.

'*Vibudhas*' are *gods*; the '*attendants*' of these are those known as 'Siddhas,' 'Vidyadharas,' and so forth.—(47)

VERSE XLVIII

ASCETICS AND HERMITS, *Brāhmaṇas*, CELESTIAL BEINGS, LUNAR ASTERISMS, AND DAITYAS REPRESENT THE FIRST STATE PARTAKING OF 'SATTVA.'—(48)

Bhāṣya.

'*Ascetics*'—the Recluse and others devoted to austerities.

'*Hermits*'—wandering mendicants, and the rest.

This shows that the said state belongs to people, not only by birth, but by conduct also Because there are no such species by birth as '*ascetics*' and the rest; in fact the names are based upon what the men do.

Others, however, think that there are a people known as '*Yatis*,' 'Hermits,' inhabiting the Meru mountain; as is clear from what we read regarding 'Indra having made over the Yatis to the Sālāvṛkas.'

'*Vimānas*'—celestial cars, Puṣpaka, and the rest; those who move about in these are '*Vaimānikas*,' '*celestial beings*,' denizens of heaven.

'*First*'—lowest.—(48)

VERSE XLIX

SACRIFICERS, SAGES, GODS, VEDAS, LUMINARIES, YEARS, *Pitṛs* and *Sādhyas* REPRESENT THE SECOND STATE PARTAKING OF 'SATTVA.'—(49)

Bhāṣya.

Words composed in a certain order are called '*Veda*.'

"In the course of the *states of existence*, what occasion is there for the mention of *insentient* things? Words and other things are all *insentient*."

"It is too little when you say that words and other things are inanimate. All the beings, from the gods down to the immoveable things, exist in the form of *bodies*, and all bodies

are insentient. As for the sentient faculty, it appears in the form of personal consciousness,—and this Personality, by itself, is devoid of qualities. But the body, though insentient, comes to be regarded as sentient when it is inhabited by the Personality.

Thus what the text means comes to this:—The Veda abounds in the quality of '*Sattva*;' hence by its study, people attain to the state partaking of the quality of 'Sattva.' And 'the attaining of the state partaking of Sattva' does not mean that the man abounding in 'Sattva' *become the Veda.*

The view of other people is, that in all things there is a conscious being supervising over them, and 'personalities of the Veda' are described as residing in the regions of Varuṇa. —(49)

VERSE L

Brahmā, CREATORS OF THE UNIVERSE, DHARMA, THE GREAT ONE, UNMANIFEST,—THESE THE WISE ONES DESCRIBE AS REPRESENTING THE BEST STATE PARTAKING OF 'SATTVA.'—(50)

Bhāṣya.

'*Creators of the universe*'—Marīchi and others, known as 'Prajāpatis.'

'*Dharma*'—What is expounded in the Veda; the former verse had spoken of the Veda itself, and the present one speaks of what is contained in the Veda; this shows that the *meaning* is more important than *the form* of the word. Or 'Dharma' may stand for *Truth* and other such things.

The corporeality of 'Dharma' is to be explained as before (in the case of the Veda).

'*The Great One*' is another name for the '*Unmanifest*,' which is synonymous with '*Prakṛti*,' '*Pradhāna*,' 'the Root-Evolvent.'

"The entire world being an emanation from the Root-Evolvent, when there happens to be an excess in it of the quality of *Sattva*, all such emanations should partake of that quality. How then can there be any excess of *Rajas* and *Tamas* in anything? So that what has been said under Verse 25 above, to the effect that—'the body in which one of these preponderates,' etc.—cannot be right."

The answer to this is as follows:—It does not mean that 'the emanations partake of the nature of the Root-Evolvent'; what is meant is that there are three ways of explaining the term '*avyakta*,' 'unmanifest':—(1) It may mean that the Root-Evolvent is something *unattainable*, or (2) that it is *invisible*; or (3) that the term may not stand for that Root-Evolvent which is a principle postulated by the *Sāṅkhyas*; the term 'unmanifest' connoting a certain *act*,—viz., that 'there is no manifestation' of the entity concerned, 'its appearance is indistinct,' and hence it is '*unmanifest*'; and in this sense the name becomes applicable to the Supreme Self, and the epithet '*great*' is applicable to It on the ground of its immanence.

" But the state of the Supreme Self cannot partake of the quality of *Sattva*."

As a matter of fact, even without entirely renouncing the 'qualities' one can be regarded as 'Supreme Self'; for it is understood that when the man has the feeling 'I am not,' 'there is nothing that is *mine*,' and becomes free from the notion of 'I,' he attains the position of 'Brahman' (the Supreme Self). In fact, it is by meditation that the position of 'Brahman' is attained. But only those persons have recourse to meditation and such practices in whom the preponderating quality is *Sattva*, not *Rajas* or *Tamas*.

It is in this sense that this is described as "*the best state partaking of* '*Sattva*.'"

The other two explanations (of the term 'unmanifest') are not right. As regards (*a*), no human end is served by *attaining* the position of the Root-Evolvent; because this has been

described as 'insentient,' and what is 'insentient' is inferior to even *immovable beings*; it is for this reason that people never seek for such condition as that during intoxication or swoon. As regards the *seeing* of the Root-Evolvent, this cannot be possible, as no such *seeing* has been anywhere mentioned; as what is prescribed is that 'the Self should be seen,'—*not* the Root-Evolvent.

From all this it is clear that the terms '*the Great One*' and '*Unmanifest*' stand for the *Supreme Self*.—(50)

VERSE LI

THUS HAS BEEN DESCRIBED THE ENTIRE THRICE THREE-FOLD MIGRATORY PROCESS PERTAINING TO ALL BEINGS, ARISING OUT OF THE THREE KINDS OF ACTION.—(51)

Bhāṣya.

'*Of three kinds*'—arising from speech, mind and body.

'*Thrice*'—according to the three qualities of '*Sattva*' and the rest.

'*Threefold*'—as divided into 'good,' 'bad,' and 'middling.'

Those other 'states' that may not have been mentioned here are to be understood as resembling, and hence included among, those already mentioned.

This verse sums up the section on the *Three Qualities*; and the next is indicative of what is to follow.—(51)

SECTION (9)—DETAILS OF TRANSMIGRATION

VERSE LII

Foolish men of the lowest class go through the vilest migratóry states, in consequence of being addicted to the senses and by not attending to duties.—(52)

Bhāṣya.

'*Addiction to the senses.*'—This stands for doing what is forbidden.

'*Not attending to duties*'—not doing what has been enjoined.

All this is found only in the case of '*foolish*' men; who are, on that account, called '*men of the lowest class.*'

These men '*go to*'—fall into—'*the vilest migratory states*'—most despicable births.

In accordance with this general principle, the retribution of deeds is now explained.—(52)

VERSE LIII

Into what wombs the soul enters,—and in consequence of what acts,—listen to that, in due order.—(53)

Bhāṣya.

[The *Bhāṣya* has nothing to say on this.]

VERSE LIV

Persons who have committed the heinous offences, having passed, during several years, through

DREADFUL HELLS, REACH, AFTER THE EXPIATION THEREOF, THE FOLLOWING MIGRATORY STATES.—(54)

Bhāṣya.

'*Dreadful hells.*'—They are 'dreadful' by reason of the great sufferings undergone; 'hells' being places of torment.

'*Expiation.*'—Deeds are 'expiated' when their results have been experienced; and when slight traces of them are left, the agent becomes born in the several migratory states.

"How is it that the whole of the act is not entirely retributed in the hells?"

It has already been explained that 'hell' is the result of very potent deeds—not of mild ones. And since the cause is enfeebled by the appearance of its effect, the Deed is rendered *mild*, less potent, by the appearance of its results. Just as in the case of fire, when it has been kindled, as soon as it has given forth sparks and heat, it becomes milder; so also is the case with Hells.

"In the case of fire there are two states—mild and flaming; Hells however are always of one uniform character."

Like flaming fire, Actions also are prone to become strong and weak; when they are strong, they lead to Hell, and when they are weak, their retribution takes place elsewhere. Hence it is only right what has said been regarding the 'remnant' of the deed (leading to transmigration).—(54)

VERSE LV

HE WHO KILLS A *Brāhmaṇa* ENTERS THE WOMB OF A DOG, A PIG, AN ASS, A CAMEL, A COW, A GOAT, A SHEEP, A DEER OR A BIRD, OR THAT OF A *Chaṇḍāla* OR A PUKKASA.—(55)

Bhāṣya.

[The *Bhāṣya* has nothing to say on this.]

VERSE LVI

THE *Brāhmaṇa* WHO DRINKS WINE SHALL ENTER THE WOMB OF WORMS, INSECTS, MOTHS, OF BIRDS FEEDING ON ORDURE, OR OF CARNIVOROUS ANIMALS.—(56)

Bhāṣya.

'*Feeding on ordure*'—such as the crow and the like. '*Carnivorous*'—tigers and so forth.—(56)

VERSE LVII

THE *Brāhmaṇa* WHO STEALS GOLD SHALL (ENTER) A THOUSAND TIMES INTO THE WOMB OF THE SPIDER, THE SNAKE, THE LIZARD, OF AQUATIC ANIMALS OR OF CARNIVOROUS *Pishāchas*.—(57)

Bhāṣya.

[The *Bhāṣya* has nothing to say on this.]

VERSE LVIII

THE VIOLATOR OF THE PRECEPTOR'S BED IS BORN HUNDREDS OF TIMES AS GRASSES, SHRUBS, CREEPERS, AS CARNIVOROUS AND FANGED ANIMALS, OR AS BEINGS OF CRUEL DEEDS.—(58)

Bhāṣya.

'*Of cruel deeds*'—given to killing others.—(58)

VERSE LIX

SANGUINARY PERSONS BECOME CARNIVOROUS ANIMALS; THE EATERS OF IMPURE FOOD BECOME WORMS; THIEVES BECOME CREATURES CONSUMING THEIR OWN KIND; AND THOSE HAVING INTERCOURSE WITH

WOMEN OF THE LOWEST CASTE BECOME PRETAS.
—(59)

Bhāṣya.

'*Carnivorous animals*'—such as the vulture and the like.

'*Eaters of impure food become worms.*'

'*Creatures consuming their own kind*—such as big cats devour smaller cats, and large fishes devour smaller fishes of various kinds.

'*Those who have intercourse with women of the lowest caste*'—such as the '*Barbara*' and other castes.—(59)

VERSE LX

HE WHO ASSOCIATES WITH OUTCASTS, HE WHO APPROACHES THE WIFE OF ANOTHER PERSON, AND HE WHO HAS STOLEN THE PROPERTY OF A *Brāhmaṇa*, BECOME '*Brahmarākṣasas.*'—(60)

Bhāṣya.

[The ***Bhāṣya*** has nothing to say on this verse.]

VERSE LXI

THE MAN WHO, THROUGH GREED, STEALS GEMS, PEARLS AND CORALS, OR THE VARIOUS KINDS OF PRECIOUS ARTICLES, IS BORN AMONG '*Hēmakartṛs.*'—(61)

Bhāṣya.

'*Hēmakartṛs*'—is the name of a bird.—(61)

VERSE LXII

BY STEALING GRAINS ONE BECOMES A RAT; BY STEALING BRONZE, A HAMSA; BY STEALING WATER, A PLAVA; BY STEALING HONEY, A GNAT; BY STEALING

MILK, A CROW; BY STEALING SWEETS, A DOG; AND BY STEALING CLARIFIED BUTTER, AN ICHNEUMON. —(62).

Bhāṣya.

'*Ākhu*'—rat.—(62)

VERSE LXIII

FOR STEALING MEAT, A VULTURE; FOR STEALING FAT, A CORMORANT; FOR STEALING OIL, A '*Tailapāyika*' BIRD; FOR STEALING SALT, A *Chirīvāka*; AND FOR STEALING CURDS, A '*Balākā*'-BIRD.—(63)

Bhāṣya.

[The *Bhāṣya* has nothing to say on this.]

VERSE LXIV

FOR STEALING SILK, A PARTRIDGE; FOR STEALING LINEN, A FROG; FOR STEALING COTTON-CLOTH, A CRANE; FOR STEALING A COW, AN ALLIGATOR; AND FOR STEALING MOLASSES, A '*Vāgguda*'-BIRD. —(64)

Bhāṣya.

'*Dardura*' is the frog of the smaller variety.—(64)

VERSE LXV

FOR STEALING EXCELLENT PERFUMES, A MUSK-RAT; FOR STEALING VEGETABLES WITH LEAVES, A PEACOCK; FOR STEALING COOKED FOOD OF VARIOUS KINDS, A *Shvāvit*; AND FOR STEALING UNCOOKED FOOD A HEDGE-HOG.—(65)

Bhāṣya.

'*Varhiṇaḥ*'—peacock.—(65).

VERSE LXVI

FOR STEALING FIRE, A HERON; FOR STEALING UTENSILS, A '*Gṛhakāri*'-BIRD; FOR STEALING RED CLOTHES, ONE IS BORN AS A '*Jīvajīvaka*'-BIRD.—(66)

Bhāṣya.

[The *Bhāṣya* has nothing to say on this.]

VERSE LXVII

FOR STEALING A DEER OR AN ELEPHANT, A WOLF; FOR STEALING A HORSE, A TIGER; FOR STEALING FRUITS AND ROOTS, A MONKEY; FOR STEALING A WOMAN, A BEAR; FOR STEALING WATER, A 'STOKAKA'-BIRD; FOR STEALING CONVEYANCES, A CAMEL; AND FOR STEALING CATTLE, A GOAT.—(67)

Bhāṣya.

When it was said (under 62) that 'for stealing water one becomes a *Plava*-bird,' it was water for drinking purposes that was meant; while in the present verse, it is water for irrigating fields and such other purposes.

Under Verse 62, the term '*Rasa*' may be taken either as the *first* kind of flavour (*Sweet*), or as medicinal substances. —(67)

VERSE LXVIII

FOR TAKING BY FORCE ANY KIND OF PROPERTY BELONGING TO ANOTHER, AND FOR EATING A SACRIFICIAL MATERIAL THAT HAS NOT BEEN OFFERED, ONE INEVITABLY BECOMES AN ANIMAL.—(68)

Bhāṣya.

There is nothing here that is not quite clear.—(68)

VERSE LXIX

For stealing things, women also should incur guilt on this same principle; they become the female of those same creatures that have been named.—(69)

Bhāṣya.

[The *Bhāṣya* has nothing to say on this.]

VERSE LXX

If men of the various castes deviate from their occupations, under normal conditions, they migrate into vile migratory states and become servants among robbers.—(70)

Bhāṣya.

If the Brāhmaṇa gives up his own means of livelihood,—such as Teaching and the rest,—and takes to the occupations of the Kṣattriya and other castes;—similarly if the Kṣattriya and others '*deviate from their occupations*';—*they* '*migrate into vile migratory states*'—undergoing the experiences of animals;—and when they come to be born among men, they become servants among '*Dasyus*,'—*i.e.*, robbers and other harmful men.

'*In normal times*.'—This is a mere reiteration; since such deviation having been permitted in *abnormal times*, there would be no impropriety involved in it.—(70)

VERSE LXXI

The *Brāhmaṇa* fallen off from his own duty becomes a 'fire-mouthed' *Prēta* feeding on vomitings; and the *Kṣattriya* a 'foul-nosed' Preta feeding on impure substances and dead bodies.—(71)

Bhāṣya.

The text proceeds to indicate the states fallen into by those who fall off from their duty.

The *Preta* feeds upon vomitings; and its mouth keeps flaming like a fire-brand.

'*Kuṇapa*'—dead body.

'*Kūṭapūtanaḥ*'—one from whose nostrils foul smell emanates.

'*Kaṭapūtanaḥ*' is another reading; '*Kaṭapūtana*' being the name of a being of the '*Pishācha*' species, who keeps hovering in cremation-grounds.—(71)

VERSE LXXII

THE VAISHYA, FALLEN FROM HIS DUTY, BECOMES THE '*Maitrākṣajyotika*' *Prēta* FEEDING ON PUS; AND THE *Shūdra* BECOMES A '*Chailāshaka*' PRETA.—(72)

Bhāṣya.

'*Maitrākṣajyotika*,' like the foregoing terms, is another name for a *Pishācha*. Or the name may mean—"one who has *light* ('*jyotiḥ*') issuing from the *hole* ('*akṣi*') of the *anus* ('*maitra*')."

Others explain the term as standing for the *owl*; '*maitra*' being the *light of the sun*, and '*akṣajyotiḥ*' meaning *visual perception*; the name connoting the fact that the owl cannot see in solar light.—(72)

VERSE LXXIII

IN THE PROPORTION THAT SENSUALLY-INCLINED PERSONS GO ON INDULGING IN SENSUAL PLEASURES, IN THAT SAME PROPORTION THEIR ARDOUR FOR THEM GOES ON INCREASING.—(73)

Bhāṣya.

For the purpose of alienating the listener from that slight pleasure which is obtained by persons obsessed with notions of

duality, from sensual objects,—such as attachment to wife and children, greed for wealth and other things,—and which obstructs the acquisition of true knowledge, the text describes the actual condition of men during transmigration.

In the proportion that men go on repeating their enjoyment of objects,—such men as are '*sensually inclined*,' *i.e.*, those who have a hankering for objects of sense. What is indicated by the term '*ātman*' in this connection is that when a man becomes addicted to a certain course of action, it comes to form his very 'nature' (*ātman*). For instance, if a man happens only once in a way to eat to his fill, his hankering for it appears only when he is reminded of it; if, on the other hand, he does it daily, it becomes his very *nature*.

This same idea is asserted by the clause—'*in that same proportion their ardour for them goes on increasing*.'—The term '*kushalatā*,' '*ardour*.' connotes *complete identification;* and when one has completely identified himself with sensual objects, he can never avoid them.

This same principle applies also to such enjoyments as are not forbidden for cultured men,—such, for instance, as intercourse with one's own wife, enjoying things obtained with money obtained from the sanctioned sources of income, and so forth;—too much addiction to all which becomes forbidden. —(73)

VERSE LXXIV

By the repetition of the said sinful acts, those men with small understanding undergo sufferings in the various forms of existence in this world.—(74)

Bhāṣya.

By repeating the sinful acts,—there is degradation, but apart from that, they '*undergo sufferings*,' when they come to be born as worms, insects and the rest.—(74)

VERSE LXXV

(THEY ALSO SUFFER) BEING TOSSED ABOUT IN THE *Tāmisra* AND OTHER DREADFUL HELLS, AND BEING BOUND AND MANGLED IN THE 'FOREST WITH SWORD-LEAVED TREES' AND OTHER PLACES. (75)

Bhāṣya.

The '*Tāmisra*,' the '*Andhatāmisra*' and other hells have been enumerated above (under 4. 80).

'*Being tossed about in this*'—lying on one side and turning on the other and so forth.

Being bound up to the sword-like leaves of trees; or being 'mangled' by these same leaves lying scattered on the ground —the limbs being cut about like a piece of plantain-stalk. —(75).

VERSE LXXVI

ALSO VARIOUS FORMS OF TORMENTS, BEING DEVOURED BY RAVENS AND OWLS, TORTURES FROM MORASSES AND SCORCHING SAND, AND TERRIBLE BOILING IN JARS. —(76)

Bhāṣya.

'*Karambha*' is *morass*.

'*Kumbhīpāka*'—The men are thrust into jars and cooked, like food and other things.—(76)

VERSE LXXVII

CONSTANT BIRTHS IN LOW FORMS OF LIFE, ABOUNDING IN MISERY, AFFLICTIONS FROM HEAT AND COLD, AND TERRORS OF VARIOUS KINDS.—(77)

Bhāṣya.

'*Low forms of life*'—such as the lower animals, Pretas and Pishāchas;—birth in these, which is full of misery.—(77)

VERSE LXXVIII

REPEATED LYING IN WOMBS, AGONISING BIRTHS, PAINFUL BONDAGES, AND SLAVERY TO OTHERS.—(78)

Bhāṣya.

The meaning of this is quite clear.—(78)

VERSES LXXIX-LXXX

SEPARATIONS FROM RELATIONS AND LOVED ONES, DWELLING WITH THE WICKED, ACQUIRING WEALTH AND LOSING IT, MAKING OF FRIENDS AND ENEMIES.—(79)

INEVITABLE DECREPITUDE, THE PANGS OF SICKNESS, VARIOUS FORMS OF AFFLICTIONS AND UNCONQUERABLE DEATH.—(80)

Bhāṣya.

The meaning of these two verses is clear.—(79-80)

VERSE LXXXI

WITH WHATEVER DISPOSITION A MAN PERFORMS AN ACT, THE FRUIT THEREOF HE REAPS WITH A BODY OF THAT SAME QUALITY.—(81)

Bhāṣya.

When a man performs a certain act with a disposition partaking of the quality of 'Sattva,' or of that of 'Rajas,' or of that of 'Tamas,'—the act also partaking of one of these same qualities of *Sattva*, *Rajas* or *Tamas*,—then it is '*with a body of the same quality*'—*i.e.*, by one abounding either in *Sattva* or in *Rajas* or in *Tamas*—that '*he reaps the result thereof*,' —this result also partaking of either *Sattva* or *Rajas* or *Tamas*.

Inasmuch as such is the law, if a man's act is such as partakes of *Rajas*, and has its source in an evil disposition of mind, the man obtains undesirable results; hence one should avoid such acts and should take to such as have their source in the right disposition.—(81)

SECTION (10)—THE HIGHEST GOOD

VERSE LXXXII

Thus has been indicated to you the entire manner in which results proceed from actions; now learn that act which brings about the Highest Good of the *Brāhmaṇa*.—(82)

Bhāṣya.

The results proceeding from such acts as have been forbidden have been duly described; hence one should avoid such acts. Inasmuch as sensual pleasures are conducive to suffering, one should desist from them, and one should remain fixed in that course of action which is conducive to Liberation, and which is described under the coming section on 'Knowledge.' This is what we are going to expound now. —(82)

VERSE LXXXIII

Vedic Study, Austerity, Knowledge, Control of the Senses, Harmlessness, Service of Elders,—are the best means of attaining the Highest Good. —(83)

Bhāṣya.

The term '*highest good*' stands, not for the accomplishment of one's personal ends, but for the sure continuity of happiness.

'Vedic Study' and other things, already described before, have been repeated here, for the purpose of eulogising the Knowledge of Self.

'*Knowledge*'—of what is contained in the Veda.

The terms have been already explained.—(83)

VERSES LXXXIV-LXXXV

[*Question*]—"FROM AMONG ALL THESE GOOD ACTS, IS THERE ANY ONE ACT WHICH HAS BEEN DESCRIBED AS MORE EFFICACIOUS IN SECURING TO MAN HIS HIGHEST GOOD?"—(84)

[*Answer*]—OF ALL THESE, KNOWLEDGE OF THE SELF HAS BEEN DECLARED TO BE THE MOST EFFICACIOUS; SINCE IT IS THE BEST OF ALL SCIENCES, AS IMMORTALITY IS ATTAINED BY ITS MEANS.—(85)

Bhāṣya.

The 'Knowledge of Self' is of two kinds—(1) the Knowledge of the *Self*, as something distinct from the body, the sense-organs and other things,—as the *doer* of acts and the *experiencer* of results, as the object of the notion of 'I' which forms part of the conception of the Self, as bearing the names of '*Soul*,' 'Conscious Being,' and so forth, as enjoying, even after the death of the body, the fruits of actions that have not been spent up; and (2) the Knowledge of the Self as the one Supreme Entity ensouling all entities, including men and animals,—the one eternal cause of the birth, existence and dissolution of the entire universe which assumes diverse forms through the encrustations of Illusion,—whose exact nature is indicated by such *Shruti* texts as—'The Self is to be seen, to be listened to, to be meditated upon,' an dso forth.

Now of these two, the Knowledge of the Soul comes useful in the performance of acts. If there were no such entity, distinct from the body and other things, the experiencer of effects appearing after death,—then all injunctions relating to Heaven as the desired result and such others would be meaningless; and no one would undertake these acts; hence the said knowledge is of use in this.

As for the knowledge of the one Supreme Self, which is attained by long-continued meditation and service, it would be useful in the attaining of the realisation of the Self in its

pristine nature, pure, enlightened, free, blissful, eternal and imperishable.

'*It is the best of all Sciences, as Immortality is attained by its means.*'

'*Immortality*' stands for the cessation of transmigration. —'*By its means*'—'its' referring to 'Science,' stands for the 'Science' or Knowledge of the *Supreme Self*; as the Knowledge of the individual Soul, being useful in the performance of acts, could not bring about Immortality; hence it must stand for the realisation of the True Self, including all that is dual and non-dual, which has been taught in the Vedānta texts.—(84—85)

VERSE LXXXVI

AMONG THE SIX AFORESAID ACTIONS, THE PERFORMANCE OF 'VEDIC ACTS' SHOULD BE REGARDED AS THE MOST EFFICACIOUS FOR BRINGING ABOUT HAPPINESS IN THIS WORLD AND AS WELL AS AFTER DEATH. —(86)

Bhāṣya.

The six actions—Vedic Study and the rest—are all conducive to Happiness; and among these the most efficacious in bringing about happiness are the Jyotiṣṭoma and other acts prescribed in the Veda.

"If the Genitive ending in the term '*pūrvēṣām*' ('among the aforesaid') denotes *selection*,—that cannot be right; as we have 'selection' in a case where among a number of things forming a single group as bearing equally upon a common objective, one of them happens to be possessed of some such efficiency as marks it out as pre-eminent; *e.g.*, in the expression '*among men*, the Kṣattriya is the bravest'; where the *Kṣattriya*, who is included in the class 'men,' is *selected* as the 'bravest.' How, then, can there be any 'selection' of what has not been mentioned at all among those spoken of in the foregoing verse? '*Vedic Act*' has not been mentioned. It might be argued that—'since *Vedic Act* is also included

under *Vedic Study*, which has been mentioned, how can the former be regarded as not mentioned?' But in that case the 'selection' of a generic entity out of the same generic entity would be all the more incongruous; one never says—'among cows, cows are the most milch.' 'Vedic Acts' could have been *selected* as the *most efficient* in bringing about happiness only if *Non-Vedic Acts* had also been spoken of as conducive to happiness. Further, what are the 'Vedic Acts' meant here? If it be held that the Jyotiṣṭoma and such sacrificial acts are what are meant,—then it will be necessary to point out what authority there is for taking the term as referring to these in particular; since the 'Study of the Veda' and several such acts also are 'Vedic.'—In answer to this, the following argument might be brought forward—'The *Study of Veda* and such acts are prescribed in the *Smṛtis* also; and hence they are not *Vedic*; those alone can be called *Vedic* which are prescribed directly by *Shruti texts* only. Nor do the Study of the Veda and such other acts come in as the necessary details of all Vedic Acts. This is what is going to be explained in the next verse, by the words—*each of those is fully comprised in the performance of the several rites*.'—The answer to this would be that, if the said acts were not *Vedic*, then it would be difficult to explain their forming part of the *Agnihotra* and other Vedic rites; so that there would be no useful purpose served by the mention of these at all. Study of the Veda and such other acts have to be performed, as also the *Agnihotra* and other rites; and we do not know in what way one or the other of these would be 'more efficient' in bringing about happiness. The results of the two sets of actions not being the same, it is not possible to make any comparison between them on the basis of those results; as there is in the case of the two acts—*the giving away of a cow* and the *performance* of the *Jyotiṣṭoma* and other rites, the former simply leading the agent to Heaven, while the latter is conducive to a long-continued stay in

Heaven, as has been shown under *Pūrva-Mīmāmsā Sūtra, 1. 3. 17.*"

The answer to the above is as follows—As for the argument that the declaration in question is meaningless,—some people offer the following explanation :—What is meant by the *Vedic Acts* being *more efficient* is that whenever there is opposition between what is prescribed in the *Veda* and what is laid down in the *Smṛti*, the latter is always to be rejected in favour of the former; this is what has been declared in such assertions as—'when two opposite injunctions are of equal strength, the two courses are to be regarded as optional alternatives, but when they are of unequal strength, the weaker *Smṛti* is always set aside by the stronger *Shruti*.' This is what has been declared under 2. 14 above, where it is stated that 'when they are two contrary Vedic injunctions bearing on the same point, both the courses are to be regarded as lawful; when however there is opposition between *Shruti* and *Smṛti*, the latter is to be regarded as only reiterative, not injunctive.'

"If this be the meaning of the present verse, then, inasmuch as it has been already asserted in the text just quoted, why should it have been asserted again in the present text?"

It has been repeated for the purpose of making the fact clearer; so that there is nothing wrong in this.

It may be possible to find some other meaning of the present text. But the actual meaning appears to be as has been just explained. Thus the meaning comes to be that the 'Vedic Acts' are more efficient than those laid down in the *Smṛtis*,—the mention of 'Vedic Study' and the rest being meant to include all those that are laid down in *Smṛtis*. The peculiar form of the assertion being due to the exigencies of metre.

Our own view however is as follows :—What is stated here is a fact established by reasoning; and it is in a friendly spirit that the Author states, without reference to anything

particular, a fact so established. In fact, what is directly spoken of is the 'Knowledge of Self'; what then could be the need of the mention of 'Study of Veda'? Writers on *Smṛti* do not support their statements by their own statements. It might be argued that—"What are meant to be cited in support are the declarations of Yājñavalkya, and not those of the writer himself." On the strength of the context we take the 'Study of Veda' and other acts as distinct from the *Agnihotra* and other acts prescribed in the Veda. As a matter of fact, the present declaration is not made with special reference to the 'Knowledge of Self.' All that is done is to take it as referring to the *Shruti texts* bearing upon the 'Knowledge of Self.' And the purport of it all is that—(*a*) the 'Study of the Veda' and other such acts prescribed in the *Smṛtis* are good, (*b*) better than these are the *Agnihotra* and other acts prescribed in the Veda, and (*c*) best of all is the 'Knowledge of Self.' If this were not what is meant, then the whole section would be found to have started with one subject and ending with a totally different subject.

Another view is that the term '*Vedic Act*' here stands for the *Knowledge of Self*; and this on the ground that the whole purpose of the Veda is the propounding of this knowledge.

As for the Injunctions contained in the Veda regarding the *Agnihotra* and other such acts,—these are meant to draw on young boys (slowly, to the undertaking, gradually, of the Higher Knowledge, through the simpler acts); just as old men lead children on to the drinking of unpleasant medicines (by beginning with giving them less unpalatable things).

Or, what is meant is that cultured men shall, by means of the ritualistic acts, shake off their inborn beginningless Illusion, which is the source of predispositions and attachments to sensual objects,—and having acquired the faculty of studying the scriptures, they shall in due course acquire dispassion and thereby loosen the bonds of desire, finally

come to be led on to the highest purpose. In fact, the Vedāntins hold that the sole purpose of the Ritualistic section of the Veda lies in thus preparing the agent for the higher purpose. Thus what the present assertion—'*the Vedic Act is in every way more efficient in the bringing about of good*'—points to is the *act* of 'withdrawing from activity' that is going to be spoken of later on.

Or, lastly, whether we accept Duality, or reject it as a dream, and accept the Non-dual Self as the only real entity,—in either case, the 'Knowledge of Self' is the better means (of attaining the highest good). As for the 'Study of Veda' and other acts, since they involve the notion of duality, they have to be performed, since these also have been laid down in the Veda.

As regards the objection based upon the use of the Genitive ending (in '*ēṣām*,' etc.), this has been answered by pointing out that its use is justified by the explanation that it is based upon a distinction assumed in the mind; just as we have in the expression—'*Māthurāḥ pāṭaliputrakebhyaḥ āḍhyatarāḥ*,' 'the inhabitants of Mathurā are wealthier than those of Pāṭaliputra.'

"But in that case the Ablative ending should have been used (instead of the Genitive in '*Saṇṇām ēṣām*,' '*among these six*')."

This has been answered by the remark that there would be no difference in the denotations of the Genitive and Ablative endings in the present connection.—(86)

VERSE LXXXVII

ALL THESE ARE FULLY INCLUDED, EACH IN ITS TURN, IN A PARTICULAR COURSE OF PERFORMANCE OF THE VEDIC ACT.—(87)

Bhāṣya.

The '*Vedic Act*' stands, in this verse, for the *Jyotiṣṭoma* and other acts, and '*performance*' also refers to the actual

working out, in practice, of the details of those same acts that are laid down in the Veda.

'*All these*'—the study of the Veda and its esoteric sections and so forth—'*are included*' in the said '*act*,' which comprises them all; one act being included in one, and the other in another and so forth.

The '*act*,' '*karmayoga*,' having been already mentioned, the '*performance*,' '*kriyāvidhi*,' has been mentioned again, for the purpose of filling up the metre. Or some distinction may be drawn on the basis of the different substances—*Soma* and the rest—used at sacrifices.

(*a*) Now, the 'Study of the Veda' is included in the '*Sattra*,' *Sacrificial Sessions*; on the ground that Veda is of use in connection with all the sacred texts that have to be recited at sacrifices.—(*b*) 'Austerity' is included in the *Dīkṣā*, the *Upasada* and the *Soma sacrifices*.—(*c*) 'Knowledge' is included in all sacrifices; as no sacrifices can be performed by men devoid of *knowledge*.—(*d*) 'Control of the sense-organs' comes in useful in all sacrifices, as it has been laid down for all sacrifices that 'he shall not have intercourse with his wife;—he shall not eat meat' and so forth.—(*e*) So also 'Harmlessness'; in view of such declarations as—'he shall not deprive any creature, not even the lizard, of its life.'—(*f*) 'Service of elders' also would come in in the same manner.

There are some people who hold that 'withdrawing from activity' is the only '*act*'; and the present text serves the purpose of indicating to these men the necessity of such positive acts as the 'Studying of the Veda' and the rest.

'*They are included*'—That is, these acts also become included as are of the nature of 'worship.' When the Upaniṣads prescribe expiation for persons devoted to 'worship,' they do so for the purpose of the destroying of sins, and they do not mean to countermand the act of worship which has been enjoined by Vedic texts. Hence in all cases, whenever one either omits to do what is enjoined, or does what is forbidden, he incurs sin.

"Under the circumstances (if all these acts would continue to be performed), how could there be Liberation?"

Liberation would be attained in the following manner:—(*a*) The sinful acts committed during previous lives would become exhausted by their effects having been duly experienced,—(*b*) fresh sinful acts would not be done intentionally,—(*c*) those that might be done unintentionally would be expiated by the force of repeated 'Breath-Suppression' and other practices,—and (*d*) thus the man would be enabled to obtain the direct perception of the real nature of the Self.

It is for this reason that even one who is bent upon seeking Brahman should perform all such acts as 'Study of the Veda' and the like. As for the acts whose renunciation has been prescribed, the subject has been dealt with under Discourse VI.

The term '*Kriyāvidhi*,' '*performance*,' may be taken as standing for the *act of devoted attention*, prescribed by such passages as—'He should be heard, meditated upon, etc., etc.;' and since there are many methods of such devoted attention, the text has rightly added the phrase—'*each in its turn*.' For instance, in such passages as—'one should worship Brahman,' 'the Golden Person in the Sun,' 'this is the Self, free from sin,' and so forth—the object of *devoted attention* is sometimes spoken of in some form attributed to It by our own mind; sometimes in the form of a 'Golden Person,' where the expression is used figuratively; sometimes again as the 'lord' of all forms of worships;—the sinless Self:—*e.g.*, such passages as 'Below Him, above Him,' etc. It is on account of these diverse declarations that we have the repeated phrase '*tasmin, tasmin*.'—(87)

VERSE LXXXVIII

The 'Vedic Act' is of two kinds—(*a*) the 'active,' which is conducive to happiness and prosperity,

AND (*b*) THE 'PASSIVE,' WHICH IS CONDUCIVE TO THE HIGHEST GOOD.—(88)

Bhāṣya.

"The *Vedic Act* has all along been described as of the *active* kind; how is it that it is now said to be of *two kinds*?"

There is no force in this objection. Where it was said that the *Vedic Act* is of the *active* kind, what was meant was that the greater part of it is of that kind, as is found in the case of the *Agnihotra* and other acts; but the same cannot be said of 'renunciation' and acts of that kind;—and yet both sets are equally 'Vedic.'

'*Conducive to happiness and prosperity*'—*i.e.*, which serve these purposes; and—'*Conducive to the highest good*' —that which accomplishes this purpose. These two terms are to be construed respectively with the foregoing terms ('active' and 'passive').—(88)

VERSE LXXXIX

THAT WHICH IS DONE WITH KNOWLEDGE AND BRINGS ABOUT THE FULFILMENT OF DESIRES EITHER IN THIS WORLD, OR IN THE NEXT, IS DESCRIBED AS 'ACTIVE'; WHILE THAT WHICH IS DONE WITH KNOWLEDGE AND WITHOUT DESIRES, IS DECLARED TO BE 'PASSIVE.'—(89)

Bhāṣya.

'*In this world*'—such as the *Kārīrī* (which brings on rain), the *Vaishvānarī* (which secures a son), and so forth.

'*In the next*'—such as the *Jyotiṣṭoma* and the like.

All these are acts that bring about the fulfilment of some desired end. What is '*Kāmya*' (*lit.* 'desirable') is really the *reward*; but the term is made applicable here to the *action* which brings about that reward; since as an instrument, that also is 'desirable.'

'*Niṣkāma*,' which is done without desire for any reward, is the compulsory act.

'*With knowledge*'—is to be construed with both, as a man devoid of knowledge is not entitled to the performance of any Vedic Act. If however '*knowledge*' be taken as that of the *esoteric* section only, then it cannot qualify both. [It can go with the latter only.]

The term '*pūrva*' in the compound '*Jñānapūrvam*' denotes *precedence*; hence the compound means 'that of which knowledge forms the important factor.' And the purport then comes to be that 'knowledge is to be pursued as the most important end in view; and Vedic Study and other acts are to be pursued only to the extent that they have been enjoined by the scriptures.'—(89)

VERSE XC

HE WHO DEVOTES HIMSELF TO THE 'ACTIVE' SIDE, ATTAINS EQUALITY TO THE GODS; WHILE HE WHO DEVOTES HIMSELF TO THE 'PASSIVE' SECTION, PASSES BEYOND THE FIVE MATERIAL SUBSTANCES.—(90)

Bhāṣya.

(A) "It has been said that the 'active' act is that which brings about desirable rewards; and among actions leading to desirable rewards, some securing for the agent Heaven or some such results, while some bring about only visible results. There is none that is known to bring any such desirable result as '*equality to the gods*.' Why then should it be said that the man '*attains equality to the gods*'? Those actions also in connection with which no particular rewards are mentioned,—such for instance, as the *Vishvajit* and other sacrifices,—have been held to have their reward in the attaining of Heaven. Thus we do not know what those acts are of which the reward consists in attaining 'equality to the gods.'—It will not be right to argue in this connection that—'Those

actions that have been laid down as bringing a particular reward, when done by men who have no desire for that reward, bring about the said *equality to the gods*.'—as this would involve the rejecting of what is directly asserted and thus assuming of that which is nowhere asserted. In fact what is spoken of in the Veda as the 'reward' of actions is something that is *desired*, such as village, Heaven and so forth, and not the *taking of poison* and such things. Under the circumstances, to say that 'equality to gods' is attained (as the result of acts) and yet it is not 'desired,' would be a contradiction in terms.—'How is it then that under Prohibitions, such results are mentioned as *not desired*?'—It is in the very nature of the prohibited act that its results should be *undesirable*; what is *evil* cannot be *desired* [and the result of the prohibited act can only be evil]. If it be held that 'equality to gods' is the result of the compulsory acts, then that would deprive these acts of their 'compulsory' character;—a character that has been understood to belong to them on the basis of the declaration that they are to be performed 'as long as one is alive.' If it be absolutely necessary to assume some reward in the case of these acts also, we may assume it to consist in 'escaping from sin;' as such a reward, if assumed, would not be inconsistent with the *compulsory* character of the acts."

(B) "As regards the latter part of the verse—'*passes beyond the five material substances*,'—we do not understand how '*atyēti*' can mean 'passes *beyond*' or 'becomes freed from.' As a matter of fact, '*atyaya*' is used in the sense of '*laya*,' 'becoming resolved into'; and certainly it is not meant that the soul ever becomes 'resolved into' the material substances; what is meant is that 'it becomes one with Brahman.' Others also have explained the passage to mean that 'the man goes beyond (*atikrāmati*) the five material substances,'—*i.e.*, 'his body is no longer made up of the five substances, it becomes purely luminous.' But this also is nothing; as 'Liberation' means *not being fettered with a body*; so that

whether the body is take to be constituted of five substances, or of only one (Light), it is all the same so far as the metempsychic bondage of the Soul is concerned."

"For these reasons some other explanation has to be found for this verse."

The answer to the above is as follows :—

(A) The question has been asked—"What action is that of which *equality to gods* is the reward? The compulsory acts have no reward, while those that are done for the purpose of obtaining a reward, have distinct rewards mentioned along with them." Our answer to this is, that the reward spoken of in the text is not one that is held to follow from *all Vedic Acts*; what is meant is that if a man does an act of the 'passive' kind, but with a distinct desire for its result (in the shape of *Liberation*), and somehow fails to attain it, then the reward that he obtains is *equality to the gods*. The purport of it all is that, of all that is laid down in the Ritualistic Section of the Veda, the culminating point of the reward is *the attainment of equality to the gods*, and not *Liberation*. As for the acts prescribed in the Esoteric Section of the Veda, which leads to the result that the man never again returns to metempsychic existence,—if the Agent happens to be desirous of obtaining a reward, he becomes tainted by that hankering, and that act of his turns out, on account of that taint, to be a cause of bondage. It is in the very nature of *actions* that they prompt the Agent to undertake them for the purpose of bringing to him a definite reward. Thus the compulsory acts also, if left undone, become sources of sin; and as such these also tend to invest the Agent with a material body (for the experiencing of the fruits of that omission).— "If one performs the compulsory acts, and does not perform those that are conducive to rewards, or those that are forbidden, there being no acts that would bring about a material body for him, the man would naturally attain Liberation;—where then would there be any use for the 'knowledge of self'? This is what has been declared in such passages as—'With

a view to avoid sin, one should perform the compulsory and occasional acts; it is only when one is unfit for Liberation that he undertakes such as are either forbidden or conducive to desirable results."'—This has been explained already: Knowledge is necessary for the destruction of Ignorance; until Ignorance has been destroyed by Knowledge,—it is not possible for one to become one with Brahman. It is with a view to this that action done without desires has been spoken of as 'done with knowledge' (Verse 89);—and also 'selfishness is not commended' (2. 2).—When two persons act similarly, they gain equal prosperity; this is what is meant by the '*equality*' (of gods);—the meaning being that he attains the same condition as that of the gods.

(B) As regards the objections against the declaration that the man '*passes beyond the five material substances*,' and the confusion that is made regarding its real signification,—that also is not right. Because '*atyaya*' may mean *disappearance* also; so that what the text means is that the whole phenomenal world, consisting of material substances, *disappears* for the man.

If we read '*abhyēti*' for '*atyēti*,' it would mean that the man becomes freed form the shackles of the body.—(90)

VERSE XCI

He who perceives the Self in all beings, and all beings in the Self,—and sacrifices to the Self,—attains self-sovereignty.—(91)

Bhāṣya.

This verse proceeds to point out in what manner the said result is to be brought about.

The term '*bhūta*,' '*being*,' stands here for all things, movable and immovable, animate and inanimate;—in these one should perceive the 'self,'—cultivating the notion 'I am this

whole world'—as expressed in the text '*aham vṛkṣasya, etc.*' (Taittirīya Āraṇyaka, 7. 10. 1); and he should give up all such notions of duality as 'this is myself and that is some one else.' When the man comes to entertain such notions as—'this is myself, this is mine, that is not mine'—this is what constitutes his 'bondage.' When, on the other hand, he has given up all notions of 'I' and 'mine,' or 'this is mine' and 'that is another's,' and so forth, he comes to recognise the absolute unity of the Self.

This is what is meant by the term '*self-sovereignty.*'

'*All beings in the Self*'—cultivating the notion—'The entire phenomenal world subsists in me,—I alone am the creator, the doer, the meditator and the meditated upon.'

'*Sacrifices to the Self*'—offers sacrifices to—thinks of—the Self as representing all the gods; cultivating the notion—'There are no such deities as Agni or Āditya,—I am the sole deity';—the man becomes one who '*sacrifices to the Self*'; and this does not mean that the man should actually offer sacrificial materials to himself.

In this connection some people hold that it is not right to speak of Agni and other deities of the Āgnēya and other sacrifices as the 'Self.'

'*Svārājyam,*' '*self-sovereingty.*'—The term is derived as '*Svē rājyē bhavam*'; and the meaning is that the man becomes as self-sufficient as the supreme Self, and also self-luminous, not depending upon the Sun or the Moon or other sources of light, or upon the eyes and the other sense-organs, nor the Internal Organ of the Mind and the rest. This is why the text uses the term '*pashyan,*' '*perceiving,*' which implies not merely *seeing*, but that one should contemplate upon the said idea, giving up all functionings of the external and internal organs.—(91)

VERSE XCII

HAVING RENOUNCED EVEN THE SAID ACTS, THE *Brāhmaṇa* SHALL CONCENTRATE HIS EFFORT ON THE KNOWLEDGE

OF SELF, ON CALMNESS AND ON THE STUDY OF THE VEDA.—(92)

Bhāṣya.

'*Even the said acts.*'—This does not sanction the abandoning of such acts as the *Agnihotra* and the like; all that is meant to be enjoined is that 'one should concentrate his effort on the knowledge of Self'—which prescribes the acquiring of the knowledge of Self.

'*Having renounced the acts.*'—What the meaning of this phrase is that one should concentrate his efforts upon the acquiring of the knowledge of Self, even though this might involve the abandoning of such acts as the worshipping at certain temples or attending upon elders and so forth. This does not however sanction the voluntary renunciation of the compulsory rites; but all other rites have to be renounced, without which the knowledge of Self cannot be acquired.—(92)

VERSE XCIII

THIS REPRESENTS THE FULFILMENT OF THE OBJECT OF ONE'S EXISTENCE, SPECIALLY FOR THE *Brāhmaṇa*; IT IS ONLY WHEN HE HAS ATTAINED THIS, AND NOT OTHERWISE, THAT THE TWICE-BORN MAN HAS ACCOMPLISHED HIS PURPOSE.—(93)

Bhāṣya.

'*The twice-born.*'—This implies that the Kṣattriya and the Vaishya also are entitled to the knowledge of Self; as has been made clear by Vedic texts of the *Āraṇyakas*.

'*Specially for the Brāhmaṇa.*'—This has to be taken as referring particularly to the 'Study of the Veda'; since to the 'Knowledge of Self' are twice-born persons equally entitled.

Having attained this 'knowledge of the Self' the man '*has accomplished his purpose*';—that is, all his ends are fulfilled; there being no higher end than Liberation.

"What has been said regarding the necessity of looking on all things as the One Self appears to be contrary to perceptible facts. What we perceive directly *is diversiy*. How can this be perceived as *one?* Any teaching regarding this would be setting forth a purpose that cannot be fulfilled. What is diverse, how can that be looked upon *as one*? The *ass* can never be looked upon as the *cow*. It is only when the perceiving organ is deranged that one perceives a thing as what it is not,—as we find when the shell is mistaken for silver; and certainly no such wrong conception forms the subject of a teaching. One who could propound such a teaching would be looked upon as most foolish, and his words would bear no fruit at all."

It is in view of this that we have the next verse.—(93)

SECTION (11)—SUPREMACY OF THE VEDA

VERSE XCIV

FOR *Pitṛs*, GODS AND MEN, THE VEDA IS THE ETERNAL EYE; THE TEACHING OF THE VEDA IS BEYOND POWER AND ILLIMITABLE. SUCH IS THE SETTLED FACT.—(94)

Bhāṣya.

It is as if it were the '*Eye*'—being the means of perception; just as the eye provides the perception of colour, so does the Veda of *dharma*; hence it is spoken of as the 'Eye.'

'*Eternal*'—everlasting. This is meant to indicate the fact that the Veda is not the work of a personal author. If it were the work of such an author, then it would be affected by his weaknesses, and would therefore not be entirely trustworthy. Hence, inasmuch as we find the Veda free from all those excellences and defects that beset man, we conclude that it is not the work of any person, and on that account, is absolutely trustworthy.

Hence it is that, the Veda being absolutely trustworthy, it cannot be regarded as incongruous simply because of its teachings being contrary to facts of perception.

"If the Veda were to contain such teachings as 'one should irrigate with fire' or 'burn with water,' would this also not be incongruous?"

The analogy is not quite correct. In the sentences cited, visible objects with visible powers are spoken as accomplishing visible effects; and as such objects are amenable to other means of knowledge, it is only natural that, if there is any teaching contrary to these, it should be regarded as incongruous. In the case in question on the other hand, (*i.e.*, of Duty),

the subject dealt with is such as is amenable to Injunctions only, a subject upon which no other means of knowledge can have any bearing at all,—bearing as they do only upon existing objects, (and not upon acts *to be done*) ; how then can there be any incongruity between these ?

Then again, what is laid down here is that entities that are *not self* should be looked upon as the 'Self,' for the purpose of attaining 'self-sovereignty'; so that wherever the notion of diversity is very rampant, it is only right that this should be set aside by constant practice. For instance, love, hatred and other functions of the mind can be controlled by the practice of meditation ; when for example, an enemy ceases to be an enemy if he is constantly looked upon as a 'friend.' All this can be ascertained by our own experience. In fact, the power of thought is so great that it can bring about the conception of non-existing things also ; *e.g.*, a lover separated from his object of love, sees her in everything. How much more possible is it then, my friend, in a case where what is contemplated upon is the very truth ? Thus then, how can one be justified in asserting that what is asserted here appears to be contrary to the diversity that is actually perceived ? In reality all things are of the nature of the 'Self,' and they appear as diverse only on account of our being in the habit of looking upon them as diverse. It is the perceiving of this unity that is enjoined here ; in which case there would be no chance of any such notions arising as 'this is mine—that is not mine,' and the like. This is what has been thus declared—'The two syllables *ma-ma* (mine) connote death, and the syllables *na-ma-ma* (not mine) connote immortality.'

Thus then there is no incongruity at all (in the teaching of the Veda).

'*For pitṛs, gods and men.*'—These are the words of the Veda itself. Even gods and others cannot perceive Duty and allied things without the help of the Veda; they are *beyond their power* ;—and also '*illimitable*'—the number of Vedic

recensions being endless. Or, '*aprameya*' means that no adequate conception can be formed of the Veda and its subsidiaries.—(94)

VERSE XCV

THOSE 'REVEALED TEXTS' THAT ARE OUTSIDE THE VEDA, AS ALSO ALL THE FALSE THEORIES, ARE USELESS, EVEN WHEN CARRIED TO PERFECTION; AS THEY HAVE BEEN DECLARED TO BE FOUNDED ON 'DARKNESS.'—(95)

Bhāṣya.

Having declared the trustworthiness of the Veda on the ground of its not being the work of an author, the text proceeds to point out the untrustworthy character of those 'Vedas' that are the work of personal authors.

The '*revealed texts*'—in the form of Injunctions brought together under a compilation—'*that are outside the Veda*'—contrary to the Veda,—*e.g.*, such declarations as 'Heaven is attained by bowing to *chaityas*,' and so forth,—which are known under the name of the doctrines of '*Nirgranthas*,' '*Somas*,' and the like.

'*False theories*'—philosophical systems based upon wrong reasonings—such as, the proving of the Veda being the work of a personal author, the rejecting of 'apūrva,' 'deities' and such other entities. These are what are known as '*false theories*.'

'*All these are useless*,'—'*pretya*,' 'even when carried to perfection'—by the full setting forth of reasons and examples; these are declared to be useless; on account of the fallacious character of their reasonings.

They are like the '*darkness*' of night, on the path of duty, spreading far and wide, in the form of huge compilations.

No trustworthiness can attach to the teachings contained in the compilations made by human authors; for the simple

reason that such authors do not possess the faculty to perceive things beyond the senses.

In fact, even if some one did possess such a faculty, people would not believe him; because there can be no proof for the statement that 'such and such a person is omniscient, and he has composed such and such a revealed text.'

If, even on being the work of a human author, the text be regarded as trustworthy, this would involve the necessity of assuming an unseen fact (of the man being possessed of divine powers), for a visible purpose. For all these reasons all those reasonings should be regarded as based upon ignorance.

Others explain the verse to mean that, '*pretya,*' *after dying,*—'the said texts and theories are useless,'—because they become the cause of men being born in conditions partaking of the quality of '*Tamas.*'

Under this explanation, the syntactical connection of the participle '*prētya*' would be impossible, since it must have the same nominative as that of the principal verb in the sentence (which is impossible), and the only alternative would be to read, for 'prētya,' '*prētē,*' the Locative form of the past-participle '*prēta.*'—(95)

VERSE XCVI

THOSE OTHER (DOCTRINES) WHICH SPRING UP AND PERISH ARE ALL WORTHLESS AND FALSE, BEING OF MODERN GROWTH.—(96)

Bhāṣya.

'*Other*'—*i.e.*, apart from the Veda;—'*doctrines*'—teachings;—'*which spring up and perish,*'—and because they spring up and perish, they are *not eternal,*—while the Veda is *eternal.*

'*Being of modern growths*'—having been propounded by some person of the present time,—'*they are worthless*'—not productive of any transcendental result.

'*Those other doctrines*'—which bear traces of being propounded by dissemblers, and such other signs.—(96)

VERSE XCVII

THE FOUR CASTES, THE THREE WORLDS, THE FOUR LIFE-STAGES, THE PAST, THE PRESENT AND THE FUTURE ARE EACH LEARNT FROM THE VEDA.—(97)

Bhāṣya.

This also is in praise of the Veda.

'The *four castes*' are learnt from the Veda,—*i.e.*, the duties of the four castes are thus known; *e.g.*, 'the Brāhmaṇa shall be initiated during the spring, the Kṣattriya during the summer,' and so forth. As for the external features they are the same in all castes, and can be definitely ascertained only by experience; as we have shown elsewhere.

'*The three worlds.*'—Such texts as 'the gods subsist upon offerings from this world' indicate that the Veda points out the means of subsistence for all the three worlds; specially as the *Smṛtis* (which contain details regarding these matters) also have their source in the Veda.

The '*life-stages*' also are learnt from the Veda.

Similarly the '*past*' births, pleasures and pains;—the '*present*'—current,—and the '*future*'—what is to come; for the knowledge of all this one must seek help from the Veda.—(97)

VERSE XCVIII

SOUND, TOUCH, COLOUR, TASTE, AND ODOUR AS THE FIFTH, PROCEED FROM THE VEDA; THEIR PRODUCTION BEING DUE TO THE 'SECONDARY RITES.'—(98)

Bhāṣya.

Sound and the other objects of experience, which are also the means of pleasure, are known through the Veda. It is by the performance of Vedic rites that the pleasure of hearing music is secured;—and if one neglects those rites, he becomes

condemned to the hearing of sounds unpleasant to the ear ;—Sound and the other qualities, and the bodily organs apprehending these all owe their existence to the Veda. This is what is meant by the assertion that they '*proceed from the Veda*'; which does not mean that Veda is the material cause out of which these things are made.

This same idea is further explained by the sentence—'*their production is due to the secondary rites.*'—The '*production*' —birth, of sound and other things—'*is due to the secondary rites.*'—Rites directly conducive to such results as Heaven and the like are called 'primary rites,' while those minor ones which bring about such minor results as sound and the rest, are '*secondary rites*'; to the latter category belongs, the *Chitrā* Sacrifice.

'*Prasūtērguṇadharmataḥ*' is another reading. In this reading '*guṇa*' stands for the qualities of *Sattva, Rajas* and *Tamas* ;—'*dharma*' for *modification* ;—'*prasūti*' for the *disturbance of equilibrium, excess, extension* ; and the meaning is that Veda is the cause of the extension of the operations of the qualities of *Sattva* and the rest ;—the Veda being regarded as the cause of all this, as it is all due to spiritual agencies.

There are several other curious readings, which we do not note, as they are useless.—(98)

VERSE XCIX

THE ETERNAL LORE OF THE VEDA UPHOLDS ALL BEINGS ; FOR THIS REASON I REGARD THIS AS THE BEST MEANS OF ACCOMPLISHING THE ENDS OF EVERY CREATURE.—(99)

Bhāṣya.

That the Veda upholds all beings has been indicated in the following Brāhmaṇa-text—'Sacrificial materials are offered into fire,—the fire raises it up to the Sun,—the Sun bears

it on his rays,—thence comes rain; thus it is that the sacrificial material comes to be regarded as the cause of the birth and existence of all beings.' This same idea has been expressed in the present work also—'The material rightly thrown into the fire rises up to the Sun,' and so forth (3. 76).

For these reasons I regard this as the best means for the accomplishing of the ends of man. In what manner the Veda supplies all the knowledge regarding man's duties has been already shown.

"What fulfils all these ends,—is it *Vedic* (spiritual), or *worldly* (physical)?"

The duty is spiritual, but the actual act, which is visible to the eye, is physical.—(99)

VERSE C

IT IS ONLY ONE WHO KNOWS THE VEDIC LORE THAT DESERVES THE COMMAND OVER ARMIES, KINGLY AUTHORITY, THE OFFICE OF THE ADJUDICATOR OF PUNISHMENTS AND SOVEREIGNTY OVER ALL MEN.—(100)

Bhāṣya.

This is an exaggerated praise.

'*Adjudicator of punishments*'—the officer who, in villages and cities, fixes the punishments upon men; who is appointed to look after what people do and what they do not know.

'*Army*'—consisting of elephants, horses, chariots and foot-soldiers;—the '*Commander*' of all this.

'*Kingly authority*'—royal authority over a small circle.

'*Sovereignty over all men*'—the status of the Emperor.—(100)

VERSE CI

JUST AS FIRE, HAVING GAINED STRENGTH, BURNS EVEN GREEN TREES, EVEN SO DOES THE PERSON KNOWING

THE VEDA CONSUME ALL THE EVIL EFFECTS OF HIS DEEDS.—101

Bhāṣya.

As in the preceding verse, so now also the construction of the words is quite easy, and their meaning is well-known.—101

VERSE CII

IN WHATEVER LIFE-STAGE HE MAY BE, THE PERSON WHO KNOWS THE TRUE MEANING OF THE VEDIC SCRIPTURES BECOMES FIT FOR UNION WITH BRAHMAN, EVEN WHILE DWELLING IN THIS WORLD.—102

Bhāṣya.

'*Union with Brahman*'—becoming one with Brahman, (*i.e.*, attaining Brahman).

'*In whatever*'—*i.e.*, even though he may not take to the several stages in the regular order. This is what has been referred to in such passages as—'Brāhmaṇas, deviating from the regular path, pass on to the stage of the Mendicant immediately after passing through that of the Student.'—102

VERSE CIII

BETTER THAN IGNORAMUSES ARE THOSE WHO 'READ THE BOOKS'; BETTER THAN THE 'READER OF BOOKS' ARE THOSE WHO 'RETAIN' THEM; BETTER THAN THE 'RETAINERS' ARE THOSE WHO HAVE 'KNOWLEDGE'; AND BETTER THAN THOSE HAVING 'KNOWLEDGE' ARE THOSE WHO ACT.—103

Bhāṣya.

'*Ignoramuses*'—ignorant men; those who do not read at all.

'*Who read the books*'—those who have studied the texts, and are just able to mention them.

Better than these are those who '*retain*' them; those who read the books with care; while the former do not read with sufficient care. The '*retainers*' also are *of the books.*

What the *superiority* of these latter means is that they are qualified for being engaged in recitations, for receiving gifts, and so forth.

'*Those who have knowledge*,' are qualified for all purposes; and hence these are still better. Recitations and prayers, when done with knowledge, are productive of more excellent results. This is what has been thus described—'Whatever one does with knowledge, faith and with due regard to the esoteric teachings, turns out to be most effective.'

'*Those who act*'—Those who, without any hesitation, act up to the teachings of the Veda; and who never doubt their correctness.

This also is meant to be mere praise: Mere study of the Veda is capable of accomplishing the ends of man,—how much more so the knowledge of what is contained in it!—(103)

VERSE CIV

AUSTERITY AND KNOWLEDGE ARE CONDUCIVE TO THE HIGHEST GOOD OF THE *Brāhmaṇa*; BY AUSTERITY HE DESTROYS SINS AND BY KNOWLEDGE HE ATTAINS IMMORTALITY.—(104)

Bhāṣya.

What is meant by this is that, even though one may possess knowledge,—until his sins have been destroyed, he does not attain Liberation;—nor if, though his sins may have been destroyed, he has not acquired knowledge of the Self.

Thus there is no truth in the assertion that man attains Liberation by his very nature.

'*Immortality*'—not returning to metempsychic birth; which has also been described as consisting in pure Bliss.—(104)

VERSE CV

IF ONE DESIRES TO OBTAIN THE CORRECT KNOWLEDGE OF DHARMA, HE SHOULD BECOME FULLY ACQUAINTED WITH THESE THREE :—PERCEPTION, INFERENCE AND THE SCRIPTURES OF VARIOUS TRADITIONS.—(105)

Bhāṣya.

In a friendly spirit, the author adds a teaching bearing upon the ordinary business of the world.

'*Dharma*'—is what is taught in the Veda.

'*Shuddhi*'—correct knowledge, consisting of the rejection of the *prima facie* view of things and the acceptance of the correct conclusion, is obtained only when one has formed correct notions regarding Perception and the other means of knowledge. For instance, it is only when one has a correct conception of the perception of things that he is cognizant of the fact that *flame* is something fleeting, and when he finds that the case with sound is not so, he grasps the truth that 'sound is eternal.' If, on the other hand, the man has no correct conception of things perceived, he will entertain the same notion regarding the perception of both sound and flame. So that perceiving that flame is fleeting, he would conclude that sound also is fleeting; and for this man the Veda would only be 'an aggregate of fleeting sounds'...(?)

Similarly '*Inference*' should be duly learnt. If a man does not become acquainted with the right process of Inference, he would be liable to draw inferences from the Minor Term only, or only from that which does not contain the major term, and thus infer the existence of an author for the Veda also. When on the other hand, he understands the nature of Inference, he concludes that the Veda is not the work of

an author, from the premiss that no work of the nature of the Veda is ever found to be the work of an author.

'*Scriptures of various traditions.*'—The Scriptures contain many Injunctions and Prohibitions; and hence there are several '*traditions*' regarding them. '*Āgama*' literally means '*āgamyatē*,' 'that which comes down to one.' There being several rescissions of the Veda, it is spoken of as having 'several *traditions*,' specially with reference to the distinction drawn between '*Shruti*' and '*Smṛti*.'

This fact, already implied by the Injunction of 'Vedic Study,' has been recalled here by the Author, in a friendly spirit. All this may be regarded as mere *praise*.—(105)

VERSE CVI

If a man explores, by ratiocination, the Vedic teaching regarding Dharma, he alone, and no other, understands Dharma.—(106)

Bhāṣya.

'*Ārṣa*' means 'pertaining to a *Ṛṣi*,' and the term '*ṛṣi*' here means the *Veda*; hence '*Ārṣa Upadēsha*' means 'Vedic teaching.'

This, if a man '*explores*'—tries to find out—'*by ratiocination*'—by means of inferences,—'*he understands Dharma*'—such is the verbal construction of the passage.

'*Ratiocination*'—is the process of reasoning where a certain proposition is set up, and rejected, if found to be wrong on examination; the man coming to such conclusions as—'It is right to accept this, and reject that.' For instance, the sacred text used at the *Āgnēya* sacrifice is—'Devasya tvā savituḥ...agnayē tvā juṣṭam *nirvapāmi*' (Vājasaneya Saṃhitā, 2. 11); now an ectype of this *Āgnēya* is the '*Saurya*' Sacrifice of which the deity is *Sūrya*;—and in accordance with the general law that 'the ectype shall be performed in the same

manner as its archetype,' it would follow that the sacred text just quoted shall be used at the *Saurya* sacrifice also;—but here one argues that though '*agnayē tvā*' would be the right form for the *Āgnēya*, where the deity is *Agni*, it could not be right for the *Saurya*, where the deity is *Sūrya*; hence while at this latter, the rest of the text shall be used in the same form, the words '*agnayē tvā*' should be altered into '*sūryāya tvā*.' Such a reasoning would not be inconsistent with the Veda.

Some people may argue thus: "At the *Saurya* sacrifice, Agni is not the deity; and it is in accordance with their meanings that sacred texts are employed at sacrifices; so that when one part of the said text is not applicable to the *Saurya* sacrifice, if that portion were dropped, it would cease to be a *Sacred text*;—hence the whole text should be dropped."

But such reasoning would be contrary to the teaching of the Veda.

Similarly if one were to argue that—'Since the sacred text has to be used, it must be always used in its original unaltered form only,'—this also would be contrary to the Veda.

In fact, what is set forth here is not an Injunction, but a commendatory statement; and the purport of it is that what should be done in such cases is to be ascertained by the process of reasonings embodied in the Mīmāmsā;—hence it is the study of *Mīmamsā* that is indirectly enjoined for the purpose of obtaining a correct knowledge of *Dharma*.

Others explain the text in the following manner:—

'*Tarka*,' 'Ratiocination,' stands for works of which reasoning forms the main subject; which make it their business to set forth the ordinary means of cognition,—*i.e.*, works on Nyāya, on Vaishēṣika and on the Materialistic Systems of Philosophy. From among these however, those belonging to the last category,—*i.e.*, works written by Bauddhas, Nirgranthas and others—which are inconsistent with the Veda—are

rejected; since for these writers the Veda is not an authoritative source of knowledge; as it is for Kapila, Kaṇāda (and the Naiyāyika). This is shown by the following Sūtra of Gautama—'Perception, Inference, Analogy and *Word* are the pramāṇas' (1.1.3); and the *Vaishēsikas* also—'the authoritative character of the Veda is due to its being His declaration' (Vai. Sū.). Hence these latter should be carefully listened to (and learnt). In the *Mahābhārata* also, the revered Kṛṣna Dvaipāyana has declared—'O king, your intellect seems to be bewildered by the words of the text, just like that of the foolish Vedic scholar, and hence it fails to grasp the subtle aspects of things';—where the mention of 'bewilderment caused by the words of the text' implies the propriety of applying reasonings. There is yet another statement—'One who follows the *Smṛtis* should never attend to materialistic Brāhmaṇas, since these are adepts in evil and proud of their learning.' This forbids listening to unsound reasonings; while the former text (from the *Mahābhārata*) lays down the propriety of attending to sound reasonings.

The authoritative character of the Veda some people would seek to prove by the fact of its being the work of God. But this is not possible; as according to this view the Veda cannot be authoritative, as its whole fabric would rest upon the will of God, and when we find contradictory statements, we are prone to take the opposite view that the Veda is not trustworthy.

For this reason the reasonings set forth by these persons would also have to be rejected as 'unsound'; specially as these do not help in any way towards the understanding of the meaning of Vedic texts. Says the *Sāṅkhya*, for instance (in regard to the Veda)—'it is beset with impurity, destruction and excess' (*Kārikā*, 2). The followers of Gautama also have put forward certain arguments, which embody the *prima facie* position against the Ritualistic Section of the Veda (Nyā. Sū., 2. 1. 5, *et. seq.*);—though these arguments are represented as proceeding from another party.

It is only in the *Pūrva-Mīmāmsā* and the *Vedānta* that we find the authority of the Veda unequivocally stated, in the form in which it is set forth in such Vedic texts as—'The gods came down from the heavenly regions to this world,—the sages followed them,—and the men said to them—*How are we going to live?*—To them the sages revealed all their duties,—hence the reasonings that the good Brāhmaṇas propound are *Vedic*.' This is a passage that explains the exact nature of what is meant by '*ratiocination*' in the present context.—(106)

SECTION (12)—DOUBTFUL POINTS OF LAW TO BE DECIDED BY THE ASSEMBLY

VERSE CVII

THE ACT CONDUCIVE TO THE HIGHEST GOOD IS AS HAS BEEN HERE FULLY DECLARED. NOW IS GOING TO BE SET FORTH THE SECRET OF THE TEACHINGS OF MANU.—(107)

Bhāṣya.

This verse is intended to attract the attention of the Vedic scholar, and to arouse in his mind a special regard for what is going to be set forth.

'*Secret*'—hidden meaning.—(107)

VERSE CVIII

IF THE QUESTION SHOULD ARISE—"HOW SHOULD IT BE IN REGARD TO THOSE POINTS UPON WHICH THE LAWS HAVE NOT BEEN DECLARED?"—[THE ANSWER IS]—WHAT THE CULTURED *Brāhmaṇas* DECLARE, THAT SHALL BE THE UNDOUBTED LAW.—(108)

Bhāṣya.

"How can there be any doubt on points not dealt with by the Ordinances? For the matter would be wholly unknown."

The answer to this is that what is meant is not what is not spoken of at all, but that in regard to which the law has been stated only in a general form, and the particular applications of it cannot be ascertained.

"Even in such cases why should there be any doubt? A general statement always applies to all particular cases; so

that if any particular form of it is followed, the ordinances become followed."

For instance, when we have the law that 'one should rinse his mouth *with water*,'—with what water, of a well, or a tank, or a river, being not specified,—the behests of the law would be duly obeyed by rinsing the mouth with water obtained from any one of these sources.

True; but there are cases where we have a text prohibiting a certain act, but no expiation is laid down in reference to that act; and it is such cases that are contemplated by the present verse.

For instance, there is the following case—There is a vessel polluted by the touch of the Shūdra's mouth,—and before it has been cleansed some one takes his food out of it;—now what would be the expiation in this case? This question cannot be answered by anything that has been laid down. There is the text laying down the expiation in connection with pollution caused by the touch of the mouth of '*the woman and the Shūdra*'; but what is polluted by the '*woman and the Shūdra*,' cannot be held to be '*polluted by the Shūdra* (only).'

In such doubtful cases, one should act up to the declaration of cultured men. For such doubts can arise only in the minds of *Shūdras* and others, who are not learned Brāhmaṇas; and it is only right that they should do what is taught by cultured men; so that in all cases, reductions or enhancements in the exact expiation should be always accepted in accordance with the decision of these people.

Nor would these cultured men be doing anything wrong in declaring the law on doubtful points; since it is declared that —'that should be the undoubted law.' If they pronounced a wrong opinion they would certainly be doing something wrong. For in matters relating to Dharma there can be no two opinions. In a case where there is a doubt regarding the exact '*gotra*' and '*pravara*' of a certain person,—when no one happens to remember them, how could the exact *gotra* or *pravara* be

determined by any declaration of the Brāhmaṇas? It is for this reason that it has been asserted that where the *gotra* or *pravara* is doubtful, it shall remain doubtful. The *pravara* is doubtful only when the *gotra* is doubtful; when there is no doubt regarding the *gotra*, there can be none regarding the *pravara*, as the exact *pravaras* relating to each *gotra* have been clearly described. But since there are several *pravaras* mentioned in connection with several *gotras*, the *gotra* would remain doubtful even when the *pravaras* are known.—(108)

VERSE CIX

THOSE *Brāhmaṇas*, BY WHOM THE VEDA, ALONG WITH ITS SUPPLEMENTS, HAS BEEN LEARNT IN THE RIGHT MANNER, AND WHO ARE GUIDED DIRECTLY BY THE REVEALED TEXTS,—SHALL BE REGARDED AS 'CULTURED.'—(109)

Bhāṣya.

This verse provides the definition of the 'cultured' man.

"The definition of the *cultured* man has already been provided under 2. 13."

But that verse has been suspected of having a totally different meaning; hence it cannot be regarded as providing the required definition. There is another statement—'that man is *cultured* who is not affected by desires.' But in this, 'learning' is not made a necessary condition. [Hence this also cannot be accepted as the requisite definition.]

When the Veda has been completely learnt and its meaning has been thoroughly grasped,—'*along with its supplements*,'—as described by the revered Vyāsa,—'The Veda should be *supplemented* by *Itihāsas* and *Purāṇas*';—by this the *Smṛtis* also became included.

The mention of '*Brāhmaṇas*' is purely reiterative; since none other than the Brāhmaṇa is entitled to expound *Dharma*.

'*Guided directly by the revealed texts.*'—The revealed texts are their '*direct guide*';—*i.e.*, those for whom the Veda constitutes Perception and all other means of knowledge. What is meant is that they look upon the Veda as free from all defects, to the same extent that direct Perception is regarded as entirely trustworthy,—they do not rely upon those means of cognition that are based entirely on reasonings; they regard the Veda itself as embodying 'reasoning' also, and do not seek to establish the authority of the Veda by means of arguments.

Or, the phrase may mean that 'they rely upon such Vedic texts as are directly found';—*i.e.*, they look upon these directly perceptible texts as the sole means of ascertaining what is *Dharma* (right) and what is *Adharma* (wrong). —(109)

VERSE CX

WHEN AN ASSEMBLY CONSISTING OF AT LEAST TEN MEN, —OR OF AT LEAST THREE MEN FIRM IN THEIR DUTY, —DECLARES A CERTAIN LAW, ONE SHOULD NOT SEEK TO DISPUTE IT.—(110)

Bhāṣya.

That in which there are at least ten men;—if more cannot be brought together, there should be at least ten.

If this be not possible, there should be *at least three.*

'*Firm in their duty.*'—This is a reference to what has been said under 2.13.

What is meant to be emphasised here is not the *number*, but the *qualification*; as is clear from what is going to be said in Verse 113 below, regarding 'even a single Brāhmaṇa learned in the Veda, etc., etc.,' and the larger numbers are mentioned only in view of the fact that it may be difficult to find any single person possessed with all the requisite qualifications.

The qualifications for membership of the Assembly are next enumerated.—(110)

VERSE CXI

A PERSON LEARNED IN THE THREE VEDAS, A LOGICIAN, AN INVESTIGATOR, A PERSON KNOWING THE NIRUKTA, A LAWYER AND THREE MEN BELONGING TO THE FIRST THREE LIFE-STAGES, SHALL CONSTITUTE THE 'ASSEMBLY'; WHICH SHALL CONSIST OF AT LEAST TEN MEMBERS.—(111)

Bhāṣya.

Though the text speaks of the number of members as the more important factor, yet it should be understood as laying greater stress upon the qualifications.

'*A person learned in the three Vedas*'—he who has learnt the three Vedas, and knows their meaning.

'*Logician*'—who is an expert in drawing Inferences; endowed with the faculty of considering the *pros* and *cons* of a subject.

"It has been said under that a Logician can never be *learned in the Veda.*"

True; but, even though he may not himself learn the Veda, yet he may know its contents from other men; and the knowledge of Logic will enable him to put forth special efforts in this line.

This same remark applies to the person knowing the *Nirukta* also.

'*Lawyer*'—one who has studied the Ordinances of Manu and other law-books.

'*Three men belonging to the life-stages*';—those who are devoted to the actual performance of their duties become specially adept in matters relating to *Dharma.*

'*First.*'—Some people explain this to mean, (1) the Religious Student, (2) the Householder and (3) the Wandering

Mendicant; since it is only these persons whose entry into villages has not been forbidden; and it is in this order that the life-stages have been named by Gautama (3. 2)—'The Student, the Householder, the Wandering Mendicant, and the Recluse.' Others however argue that 'causing injury' being not permitted for the Mendicant, how could he decide points of law (which may involve loss and injury to certain persons)? Hence the *Recluse* should be the third.—(111)

VERSE CXII

A PERSON KNOWING THE *Ṛgveda*, A PERSON KNOWING THE YAJURVEDA, AND A PERSON KNOWING THE *Sāmaveda*, SHALL BE UNDERSTOOD TO FORM THE ASSEMBLY OF AT LEAST THREE MEMBERS, COMPETENT TO DECIDE DOUBTFUL POINTS OF LAW.—(112)

Bhāṣya.

The meaning of the Veda is understood with the help of Nirukta, Vyākaraṇa and Mīmāmsā. A knowledge of these should be possessed by all the three persons, as these do not help the comprehending of the meaning of any one Veda only, and not of others. Hence a knowledge of these is essential in all cases.

The distinction of the three Vedas—Ṛgveda and the rest—has been mentioned on the basis of the distinction made in the *Gṛhyasūtras*.—(112)

VERSE CXIII

THAT WHICH EVEN A SINGLE *Brāhmaṇa* LEARNED IN THE VEDA DECIDES TO BE THE LAW, SHALL BE UNDERSTOOD TO BE THE HIGHEST LAW,—AND NOT WHAT IS ASSERTED BY TEN THOUSAND IGNORAMUSES.—(113)

Bhāṣya.

'*Decides*'—finds out and declares.

Not what is proclaimed by ten thousand '*ignoramuses*'—not learned in the Veda.

This has been already explained before.—(113)

VERSE CXIV

EVEN IF THOUSANDS OF *Brāhmaṇas* COME TOGETHER,—WHO HAVE NOT FULFILLED THEIR DUTIES, WHO ARE IGNORANT OF THE SACRED TEXTS, WHO SUBSIST MERELY BY THE NAME OF THEIR CASTE,—THE CHARACTER OF THE 'ASSEMBLY' CANNOT BELONG TO THEM.—(114)

Bhāṣya.

'*Who have not fulfilled their duties*';—what has been already asserted before is stated here in the negative form.

When persons fulfilling their duties and learned in the Veda lay down a certain law, no doubts should be entertained regarding it,—either by learned or by ignorant men. Nor should any optional alternatives be admitted in such cases.—(114)

VERSE CXV

WHEN IGNORANT MEN, PARTAKING OF THE QUALITY OF 'TAMAS,' DECLARE A CERTAIN ACT AS RIGHT, WITHOUT KNOWING WHAT 'RIGHT' MEANS,—THE SIN OF THAT ACT FALLS HUNDRED-FOLD UPON THOSE WHO PROPOUND IT.—(115)

Bhāṣya.

This describes the evil effects befalling those ignorant men who go about propounding the law.—(115)

VERSE CXVI

ALL THAT IS CONDUCIVE TO THE HIGHEST GOOD HAS BEEN THUS EXPOUNDED TO YOU; THE *Brāhmaṇa*

WHO HAS NOT DEVIATED FROM THIS, ATTAINS THE HIGHEST STATE.—(116)

Bhāṣya.

The verse sums up what was promised to be done. What was promised under 1. 2 and 1. 4 as going to be done, has all been duly done. This indicates the end of the Ordinances.

"As a matter of fact, we find teachings even after this; and that too in the direct injunctive form. Why then is it said that the Ordinances are summed up here?"

What comes after this is *pure knowledge*, which is a necessary complement of all actions. So that there is no incongruity in what we have stated. In fact, in all cases, the propounding of *Dharma* forms the most important factor in all teachings, and *Knowledge* comes always in the end. This was what we meant when we said that the present verse sums up the Ordinances.—(116)

SECTION (13)—SUMMING UP OF THE ESOTERIC TEACHING

VERSE CXVII

THUS HAS THE BLESSED LORD EXPLAINED TO ME, WITH A DESIRE TO BENEFIT MANKIND, THE HIGHEST SECRET OF DHARMA.—(117)

Bhāṣya.

'*The blessed Lord*'—Manu—propounded these Ordinances for the '*benefit of mankind.*' This is what Bhṛgu says to his pupils.

This sets at rest all doubts regarding persons entitled to seek for knowledge.

'*Secret*'—the true philosophy of the Self also, the revered Manu has disclosed to me; and I also have disclosed it to you just as I heard it. So that you should not seek for any further knowledge on the subject.—(117)

VERSE CXVIII

WITH A CONCENTRATED MIND, ONE SHOULD PERCEIVE IN THE SELF ALL THINGS, REAL AS WELL AS UNREAL. ONE WHO PERCEIVES ALL THINGS IN THE SELF NEVER TURNS HIS MIND TOWARDS WRONG.—(118)

Bhāṣya.

'*All things*'—the world—'*real and unreal*'—*i.e.*, which is liable to be produced and to be destroyed; or that which is eternal like the *Ākāsha*, or what is an absolute non-entity, like the 'hare's horn,'—all this one should perceive in the Self;—that is, he should contemplate upon all this as centred in the Self.

What '*perceiving*' connotes is a clear conception; and this can only be obtained by constant contemplation; as no clear conception of a thing can be obtained by merely seeing it once. It is for this reason that the Esoteric Science has been propounded. And in connection with the contemplation of the Self, we have such texts as—'It should be listened to, thought upon and meditated upon,' where the act of *seeing* is spoken of as extending up to *meditation.*

That is called 'Contemplation of the Self' which consists in repeated meditation upon It, without the intervention of any other foreign object.

Or, mere *repetition* (of the act of seeing) may be taken as what is implied by the term '*perceive.*' As a matter of fact, all purificatory acts have their purpose fulfilled only when they impart to the purified object a certain peculiar excellence; as is found in the case of the thumping of the corn; where, even though the repetition of the act of thumping is not directly laid down, yet it becomes implied by the fact that without such repeated thumping the corns cannot be cleared of all their husk. If the act were to be left off before this had been accomplished, it could only be regarded as leading to some invisible (transcendental) result; and in that case the act would cease to be 'purificatory'.

For this reason the term '*should perceive*' should be taken to mean the giving up of all other acts, and the repeating of the act of perceiving of the one object in view.

In regard to the '*Self*' spoken of here, people dispute over its exact meaning:—"What is it that is called 'Self,' '*ātman*'? (A) If it stands for the Conscious Entity ensouling the body, then this is inconsistent with what follows regarding 'the Ruler, the Soul, bright like gold, etc., etc.' (in 122); since we do not hear of anybody appearing for such a being,—since what is declared regarding It is—'O Gārgi, the Sun and the Moon remain under the control of this Imperishable One, so also Heaven and Earth have been upheld by him' (*Bṛhadāraṇyaka*

Upaniṣad). For these reasons the transmigratory process cannot belong to that Self with regard to which we have the notion of 'I'; so that some other form will have to be pointed out as belonging to the 'Self' spoken of here. Further, under the said explanation, by virtue of what the text lays down regarding 'perceiving all things in the Self,' even things external, at least in their spiritual aspects, will have to be regarded as being resolved into the Individual Soul (which is absurd). The only alternative left is to regard the 'Self' as standing for that which is the original source of all Being, of the whole Universe, one that interpenetrates all entities. But in regard to this it will be necessary to explain what exactly would be meant by 'perceiving all things in the Self.' Others have held that what is referred to is the Bodily Self, in which all things are to be perceived.

Our explanation is as follows—As regards the term '*ātman*,' 'Self,' it has been already shown that all authorities agree in pointing to its standing for the Supreme Self. As for what has been said above regarding the necessity for pointing out the exact form of the 'Self' here meant,—what else could be said on the point, except what is found asserted under the Injunctions of 'listening to......and knowing' this Self;—all such injunctions can be found out from the various Upaniṣads belonging to the various Vedic texts. Then again, it is because there are other proofs also of the unity of this Self that Mishra has taken such pains to explain the actual facts of perception (which point to diversity). The following passage is found in the *Vākyapadīya*—'There is nothing in name, etc.' The fact of this Self being comprehended with the help of Injunctions may be ascertained from the fact of the Body being Its covering, etc.

As for the objection as to how what is '*asat*' (unreal) can be seen;—in the phrase 'the *real and the unreal*' the term '*real*' stands for the whole aggregate of worldly products, and '*unreal*' for such subtle objects as are ordinarily *not perceptible*.

Another question that has been raised is—"How can the Supreme Self have any connection with *hearing* (such as is mentioned in the Injunction that 'the Self should be heard, etc., etc) ?'"

But what to say of connection with *Hearing*? In fact the birth, existence and dissolution of the entire Universe has been proved to have its source in that Self.

As for the Injunction regarding the resolving of all things into the Self,—what is actually meant is that 'whatever appears to be diverse, all that one should resolve into that *One* Entity.' And what is meant by everything subsisting in the Self, is that one should cease to have any hankering for the things of the world.

'*With concentrated mind.*'—This '*Concentration*' means 'the controlling of the operation of the mind'; and how this is to be done is to be learnt from the *Yoga-shāstra.*

'*Never turns his mind towards wrong.*'—This connotes the immobility of the intellect and the mind. What is here prescribed should be practised until the mind ceases to be perturbed by disputants; and whatever there may be of diversity should be resolved into the one Supreme Self.—118

VERSE CXIX

THE SELF ALONE IS ALL THE GODS; EVERYTHING SUBSISTS IN THE SELF; IT IS THE SELF THAT BRINGS ABOUT THE CONNECTION OF THESE EMBODIED BEINGS WITH ACTIONS.—119

Bhāṣya.

All sacrificial rites, heaven and other rewards, and all the gods—should be looked upon as the 'Self': What is known as the 'God Agni' is the Self, apart from which there is no 'God'—This is what is meant by such declarations

as—(*a*) 'This Self is found spoken of in various forms';—(*b*) 'the one Self is the God';—(*c*) 'Indra, Varuṇa, Mitra are described as *Agni*,'—'One real entity the wise ones speak of in various ways';—all which goes to show that when men have notions regarding the '*gods*,' what they have is only the idea of the '*Self*' in its various forms. The assertion that 'the man has passed beyond all that exists' indicates that one should look upon all ritualistic deities as the 'Self.'

"Does this mean that in actual practice, these gods should not be treated as *gods*?"

All that is to be done is to be done as being done for the Self. And the reason for this lies in the fact that it is the Self that brings about '*the connection of all beings with actions*';—and there is no other God, even approaching It in quality.—119

VERSE CXX

One should withdraw the *Ākāsha* into the ten cavities, the Wind into the organs of touch and movement, the best Light into the organs of digestion and vision, the Water into the fluids, and the Earth into the solid limbs.—120

Bhāṣya.

There are nine cavities in the body;—on these one should 'withdraw'—draw in—*the Ākāsha*, as 'there is no external *Ākāsha*, nor any external thing whatsoever.'

'*Anila*' is *wind*;—this also he shall withdraw.

'*Movement*'—when, for instance, one moves about, or moves his hand and feet, etc.

'*Touch*'—of things external to the body.

Into these one shall withdraw the Wind.

'*Digestion*'—brought about by the fire in the stomach,—and '*vision*';—into this he shall withdraw *Light*;— '*the*

best'—that which exists in the form of the Sun and other luminous substances.

'*Fluids'*—in the form of fats and marrow;— into these he shall withdraw Water.

Such is the withdrawal of the Great Elemental Substances. Next follows the method of withdrawing the gods.—120

VERSE CXXI

THE MOON INTO THE MIND, SPACE INTO THE EAR, *Viṣṇu* INTO MOVEMENT, HARA INTO STRENGTH, AGNI INTO SPEECH, MITRA INTO THE EXCRETIONS, AND *Prajāpati* INTO THE GENERATIVE ORGAN.—121

Bhāṣya.

The Moon—one shall withdraw into the mind. The 'Moon' here does not stand for what we see moving in the sky, but the deity residing in man's mind.

'*Space into the ear'*—The organ of hearing.

'*Viṣṇu into movement.'*—Whenever one makes any the slightest movement, it is due to the impelling force of Viṣṇu residing in the man's body.

Similarly '*Hara into strength'*—When a man rises, and moves about and does work, all this is the effect of strength which is due to the presence of Hara.

Speech is *Agni*, and the excretions are Mitra;—all this one shall contemplate upon as such.

Having thus withdrawn all into the body, one shall look upon it all as subsisting in the Self.

When the true nature of the Self has been thus comprehended the man realises that he himself is nothing apart from the Supreme Self.

All meditation shall be carried on in this manner.—121

VERSE CXXII

THE RULER OF ALL, WHO IS MINUTER THAN THE MINUTEST ATOM, BRIGHT LIKE GOLD, AMENABLE TO DREAM-COGNITION,—HIM SHOULD ONE KNOW AS THE HIGHEST *Puruṣa*.—122

Bhāṣya.

'*Ruler*'—Controller '*of all*'—from the Brāhmaṇa down to the Shūdra, and so on. The determining of the heat and other characteristics of Fire and other things,—the inner light in the Sun, the movement in the sky of the Sun and the Stars, etc.,—the laws regulating the operation of actions and their retribution,—all this is due entirely to the controlling power of the Being here referred to. This is what has been thus described—'O Gārgī, it is under the sway of this Imperishable One, that, etc., etc.," (*Bṛhadāraṇyaka Upa.*, 3. 8. 9);—and again, 'That the Sun shines, and gives rain, the Moon gives light, Agni heats, Wind blows, and Death, the fifth, pursues men,' etc., etc.

'*Minuter than the minutest atom.*'—What is generally regarded as the minutest thing conceivable,—*e.g.*, the hundredth part of the hair-tip,—this Being is devoid of even that small dimension; as is described in the text—'It is neither large nor small' (*Bṛhadāraṇyaka Upa.*, 3. 8. 8.) where all qualities are negatived. This Being is cognisable only by means of an exceptionally keen intellect; but never by any one who is not very expert, or who is not well-versed in the practice of meditation.—122

VERSE CXXIII

THIS SOME PEOPLE CALL 'AGNI': OTHERS, 'MANU-*Prajāpati*'; OTHERS, 'INDRA'; OTHERS, '*Prāṇa*'; AND YET OTHERS, 'THE ETERNAL BRAHMAN.'—123

Bhāṣya.

[The *Bhāṣya* has nothing to say on this verse.]

VERSE CXXIV

HE IT IS WHO, INTERPENETRATING ALL BEINGS, WITH HIS FIVE FORMS, MAKES THEM, REVOLVE CONSTANTLY LIKE A WHEEL, THROUGH BIRTH, GROWTH AND DECAY.—124

Bhāṣya.

[The *Bhāṣya* has nothing to say on this verse.]

VERSE CXXV

HE WHO THUS PERCEIVES THE SELF THROUGH THE SELF, IN ALL BEINGS, BECOMES EQUAL TOWARDS ALL AND ATTAINS THE HIGHEST STATE, BRAHMAN.—125

Bhāṣya.

'*Attains Brahman*'—becomes unified with Brahman.

Having cultivated sympathy for all beings, he experiences freedom from all love and hate.

What this lays down is the propriety of concentrating oneself upon the idea of the *unity of the Self*, not allowing it to be interrupted by any notions of diversity. When the notion of diversity is present, one cannot become 'equal towards all.'

It is only when one has got rid of all notions of 'I' and 'mine,'—expressed in such ideas as—'This is myself,' 'this is mine,' and so forth,—that his notion of *unity* becomes fixed, and he attains 'Brahman,' which is of the nature of unsurpassed Highest Bliss. That is, he is saved from all evil and attains that desirable result which has been described in the scriptures.—125

VERSE CXXVI

THE TWICE-BORN MAN WHO READS THESE ORDINANCES OF MANU, SHALL BE EVER EQUIPPED WITH VIRTUE AND SHALL ATTAIN WHATEVER STATE HE MAY DESIRE. —126

Thus ends Discourse XII

This is the end of the Ordinances of Manu as *declared by Bhṛgu.*

Bhāṣya.

'*Iti*'—indicates the end of the Institutes.

'*He who reads, shall be virtuous.*' Some people explain '*āchāra,*' '*virtue,*' as *virtuous conduct,* in accordance with the ordinances that have been read.

And if he is so, '*he shall attain whatever state he may desire.*'—126

Thus ends the Manubhāṣya of Medhātithi.

INDEX

PAGE

PAGE